

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 19.02.2025

DELIVERED ON: 19.02.2025

CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)

F.M.A. 213 of 2025
With
I.A. No. CAN 1 of 2025

**Mustak Ahmed Sk.
Vs.
Ansar Sk. @ Ansar Ali & Ors.**

Appearance:-

Mr. Achintya Kr. Banerjee
Ms. Indumouli Banerjee

.....for the appellant

Mr. Supratim Dhar
Mr. Amrita Lal Chatterjee

.....for the State

Mr. Ramji Munshi
Ms. Muskan Agarwal

.....for the respondent no.1/
Writ petitioner

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal filed by the 10th respondent in W.P.A. 2583 of 2024 is aggrieved by the order passed in the said writ petition dated December 4, 2024.

2. The respondent/writ petitioner viz. Ansar Sk. @ Ansar Ali filed the writ petition seeking for implementation of an order passed by the competent authority under the provisions of the West Bengal Highways Act, 1964 in and by which the appellant, who was the 10th respondent in the writ petition was held to be an encroacher of the highways land.
3. The appellant was unsuccessful in his challenge to the order passed by the competent authority under section 10(3) of the West Bengal Highways Act and as the statutory appeal was dismissed by the competent authority. Aggrieved by the said order, the appellant/10th respondent filed a writ petition in W.P.A. 25973 of 2023, which was dismissed by order dated November 28, 2023. Against the dismissal of the writ petition, an intra-Court appeal was filed and the said appeal is pending but there is no interim order. In the meantime, the writ petitioner sought for implementation of the order passed by the competent authority, who has unequivocally held that the appellant/10th respondent is an encroacher of highways land. The learned Single Bench having noted the above order passed, directed implementation of the order passed by the competent authority. We find no reason to interfere with the said order, more particularly, when there is no interim order granted in the intra-Court appeal filed by the appellant in M.A.T. 2324 of 2023.
4. Thus, there is no ground to interfere with the impugned order.
5. Accordingly, the appeal and the connected application fail and are dismissed.
6. The authority is directed to implement the directions issued by the learned Single Bench within two weeks from date.
7. No costs.

8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)