

FMA 102 of 2025
with
IA No. CAN 1 of 2025
(Ramprasad Gayen & Anr. Vs. The State of
West Bengal & Ors.)

Mr. Prabir Maji

.... For the appellants

Mr. Pankaj Halder

Mr. Shibjit Mitra

Mr. Subodh Ranjan Ray

Mr. Tapash Manna

..... For the private respondent no. 7

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 2nd December, 2024 passed by the learned single Judge in the writ petition being WPA 6509 of 2024.

Mr. Maji, learned advocate appearing for the private respondent nos. 7 and 8 in the writ petition/appellants herein submits that the appellants are in permissive possession of the plot no. 4101 which belongs to the Irrigation Department. In support of such contention he has placed reliance upon the record of rights, as annexed at page 40 of the stay application. The appellant no. 2 is also the co-sharer of plot no. 503. None of the said plots of land belongs to PWD authorities and with the sole intent to illegally oust the appellants from the said plots of land the writ petition was preferred by the respondent no. 7 herein.

He argues that by the order impugned, the Block Land & Land Reforms Officer (in short, BL&LRO) has

been asked to conduct physical inspection and to submit a report to the jurisdictional Assistant Engineer, PWD though the said Assistant Engineer has no jurisdiction to deal with the matter since the land belongs to the Irrigation Department.

Mr. Halder, learned advocate appearing for the writ petitioner/respondent no. 7 herein denies and disputes the contention of Mr. Maji and submits that the land belonging to the PWD authorities has been illegally encroached upon by the appellants herein. As a representation submitted to that effect before the competent authority was not considered, the said respondent no. 7 was constrained to approach this Court. By the order impugned, no prejudice has been caused to the appellants inasmuch as the learned single Judge has directed the appropriate authorities to conduct an inspection and to take all follow up steps.

Mr. Halder informs us that the document annexed at page 40 of the stay application is not an authenticated document and today is the date fixed by the respondent no. 5 for field enquiry. Let a copy of the said notice, as filed, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

By the order impugned, the learned single Judge has directed the jurisdictional BL&LRO to cause a physical inspection as regards the alleged

encroachment and construction upon prior notice to the parties and to submit his report with copies to the respective parties including the jurisdictional Assistant Engineer, PWD so that necessary follow up steps can be taken.

The said order, in our opinion, does not prejudice the appellants in any manner whatsoever inasmuch as the learned single Judge has directed the concerned authorities to take appropriate steps upon granting opportunity of hearing to the parties. The learned single Judge has also recorded that the parties would be at liberty to urge whatever point they wish to urge before the authorities. The parties have also not been prevented from availing the statutory remedies as provided under the West Bengal Highways Act, 1964.

In view thereof, no interference is called for in the present appeal.

The appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Sen, J.)

(Tapabrata Chakraborty, J.)