

01.07.2026
Item No.66
Ct. No.19
KS

W.P.A. 2014 of 2026

Prasad Sarkar & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Anindya Lahiri, Sr. Adv.

Mr. Samit Bhanja

Mr. Samrat Dey Paul

Mr. Subhromoy Paul

Mr. Arka Roy

Mr. Anish Chakraborty

..... For the Petitioners

Mr. Nilanjan Bhattacharya

Ms. Joyita Dhar Chakraborty

Mr. Akash Adak

.....For the State

1. Parties are represented through their respective learned counsel.
2. Supplementary Affidavit filed by the petitioners in Court, is taken on record.
3. None appears on behalf of the private respondents.
4. The subject-matter of challenge in the instant writ petition is the order dated 09.12.2025 as passed by the respondent no.3 in an appeal under Section 10(4) of the West Bengal Highways Act, 1964 (for short, "the Act of 1964") as well as the order dated 19.06.2025 passed by the respondent

no.4 in a proceeding under Section 10(3) of the Act of 1964.

5. At the time of hearing, Mr. Lahiri, learned senior counsel appearing on behalf of the writ petitioners, at the very outset, draws the attention of this Court to the aforementioned two impugned orders.
6. It is submitted by Mr. Lahiri that on perusal of the aforementioned two impugned orders it would reveal that neither the respondent no.4 authority nor the respondent no.3 authority while disposing the eviction case under Section 10(3) of the Act of 1964 and the appeal under Section 10(4) of the Act of 1964 failed to visualize that copies of the demarcation report of the jurisdictional B.L. & L.R.O. i.e. the respondent no.8 have not been supplied to the writ petitioners though, both the respondent nos.3 and 4 authorities while passing the impugned orders completely relied upon by such report.
7. It is further argued by Mr. Lahiri that on account of non-supply of copies of the demarcation report of the jurisdictional B.L. & L.R.O., the

aforementioned respondent no.3 and respondent no.4 authorities have violated the principles of natural justice while disposing the said eviction case as well as the appeal under the Act of 1964 and thus, two impugned orders are required to be interfered with in judicial review and thus, appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.

8. Mr. Bhattacharya, learned senior counsel appearing on behalf of the respondent/State, however, disputed the contention of Mr. Lahiri. It is argued by Mr. Lahiri that neither before the respondent no.4 authority nor before the respondent no.3 authority, the present writ petitioners requested them to provide the copies of the demarcation report as have been prepared by the respondent no.8 authority.
9. It is further submitted by Mr. Bhattacharya that in paragraph 11 of the instant writ petition, the writ petitioners have categorically admitted that the property in question belongs to the State, where the encroachment has been made by them.

10. On careful perusal of the entire materials as placed before this Court and after hearing the learned counsel for the contending parties it appears to this Court that both the respondent no.4 and 3 authorities while disposing the case under Section 10(3) and appeal under Section 10(4) of the Act of 1964 have considered the demarcation report of the jurisdictional B.L. & L.R.O. i.e. respondent no.8 and came to a factual finding that in respect of Plot No.8963 encroachment has been made by the present writ petitioners. No materials could be placed before this Court that such findings of the respondent nos.3 and 4 authorities are either perverse or illegal and/or such findings have been vitiated for non-consideration of relevant materials and/or consideration of some extraneous materials, which are not on record.

11. As rightly pointed out by Mr. Bhattacharya that even before the respondent no.3 authority in the appeal proceedings under Section 10(4) of the said Act of 1964, the writ petitioners have not raised their grievance regarding non-supply of

demarcation report of the respondent no.8 authority.

12. In considered view, this Court sitting in a writ jurisdiction in judicial review is not supposed to act as an Appellate Court and is not permitted to take a contrary view as have been taken by the respondent nos.3 and 4 authorities based on appreciation of materials, as placed before them.

13. In view of the discussion made hereinabove, this Court thus finds no merit in the instant writ petition.

14. Accordingly, the instant writ petition is dismissed.

15. With the dismissal of the instant writ petition, interim order, if there be any, stands hereby vacated.

16. Pending interlocutory applications, if there be any, are also dismissed.

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

(PARTHA SARATHI SEN, J.)