

05.02.2026
Item No.791 (DL)
Court No.551
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 12461 of 2024

Smt. Kajal Bose

-Vs-

The State of West Bengal & Ors.

Mr. Sujit Bhunia.

...for the petitioner.

Mr. Soumitra Bandyopadhyay, Sr. Adv.,

Mr. Priyabrata Batabyal.

...for the State.

Mr. Santimoy Bhattacharya,

Mr. Ziaul Haque.

.....for the respondent nos.10 & 11.

1. A report in the form of an affidavit filed on behalf of the respondent no.2 is taken on record.

2. This writ petition has been filed alleging inaction on the part of the respondent State Authorities in taking steps against encroachments on public land by the respondent nos.13 and 14.

3. In course of hearing, reports were called for from the respondent no.2 as well as the respondent nos.10 and 11.

4. Report in the form of affidavit filed on behalf of the respondent nos.10 and 11 reveal that the subject land belongs to PWD and that it is PWD authority which is required to take action against the unauthorized occupants of the said land.

5. Report in the form of affidavit filed on behalf of the respondent no. 2 i.e. the Assistant Engineer, Keleghai Bridge Highway, Sub-Division, PWD reveals that the Sub-Divisional Officer, Kharagpur has already issued notices under Sections 10(1), 10(2) and 10(3) of the West Bengal Highway Act, 1964 (hereafter 'the said Act of 1964'). From the latest of the said three notices (i.e. the notice dated January 05, 2026) issued under Section 10(3) of the said Act of 1964, it appears that the respondent nos.13 and 14 have been called upon to attend a hearing that was fixed on January 14, 2026.

6. It is therefore evident that the Sub-Divisional Officer, has initiated proceedings in terms of the relevant statute.

7. It has been brought to the notice of the Court that by an order dated December 18, 2025 passed by this Court while disposing of **WPA 12462 of 2024 (Maya Rani Poria -Vs- State of West Bengal & Ors.)** the Respondent State Authorities had been directed to conclude the proceedings initiated against the encroachers in terms of the relevant provisions of the said Act of 1964. Since it has been submitted by the learned Advocate appearing for the petitioner that the subject matter of encroachment in **WPA 12462 of 2024** is the same as that of the present writ petition and that the

alleged encroachers are also the same, therefore this writ petition is being disposed of by directing the respondent no.5 i.e. the Sub-Divisional Officer and Sub-Divisional Magistrate, Kharagpur to conclude the proceedings initiated under the said Act of 1964 as expeditiously as possible and preferably within a period of eight weeks from the date of communication of this order, strictly in accordance with law.

8. It is clarified that while concluding the said proceedings (i.e. before taking the final decision), the said respondent shall afford an opportunity of hearing to the petitioner to all the interested persons including the petitioner as well as the respondent nos.13 and 14 and all parties shall be free to state their respective cases before the said authority at the time of hearing.

9. With the above observations, WPA 12461 of 2024 stands disposed of. No costs.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)