

24.06.2026
Court No.25
D/L No.3
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 12449 of 2026
Timir Sur
Versus
The State of West Bengal & Ors.

Mr. Debmalya Ghoshal Mr. Anirban Bose Mr. Chandrachur Biswas Mr. Rahul Nag	...for the Petitioner
Ms. Manika Roy Mr. Atanu Sur	...for the NHAI
Mr. Lokenath Chatterjee Mr. Arhat Biswas	...for the State

1. The petitioner has filed the present writ application praying for quashing and setting aside the impugned notice dated June 15, 2023 issued by the National Highway Authority by directing the petitioner to vacate the excess area illegally occupied by the petitioner.
2. This Court by an order dated June 12, 2026 directed the District Magistrate, Howrah to conduct a fresh enquiry by demarcating the R.S. plot No. 109 by taking into consideration of the original map available with the authorities in presence of the petitioner and to submit the report before this Court on June 23, 2026 along with sketch map to show which portion of the land is alleged to have been occupied by the petitioner.
3. In compliance with the order dated June 12, 2026, the District Magistrate in presence of all the stakeholders including the petitioner herein has conducted the

demarcation over the property and filed report before this Court. At the time of demarcation, it was found that the HIT wing of the KMDA had allotted 1 katha land over R.S. plot No. 109, i.e., 720 square feet, which is equivalent to 66.90 square metre to the writ petitioner for rehabilitation purposes and on ground measurement it appears that the petitioner is possessing an excess of 190 square feet of land unauthorizedly along with allotted area of 720 square feet.

4. The learned counsel appearing for the National Highway Authority of India submits that this is a National Highway Project for construction of the National Highway and the authorities found that the petitioner is in illegal occupation of the portion of the land. Accordingly, inspection was carried out and found that the petitioner is in illegal occupation of the land in question and notice has been issued to the petitioner to vacate the unauthorized occupation.
5. The petitioner has disputed the said report submitted by the authority. This Court specifically directed the District Magistrate for conducting inspection in accordance with the original map in presence of the petitioner. From the inspection report, it is found that the petitioner is in occupation of excess land of 190 square feet unauthorizedly along with the allotted area of 720 square feet.
6. The petitioner is in illegal occupation of 190 square feet of land of the National Highway Authority, thus, the

petitioner cannot claim any right over his illegal occupation.

7. Accordingly, **WPA 12449 of 2026** is **dismissed**.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
9. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)