

15.01.2026
SL. No.14
Court No.2
SKG

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A. No. 2649 of 2025

**Siliguri Motels Private Limited
Versus
The State of West Bengal & Ors.**

Mr. Bikramaditya Ghosh,
Mr. Ved Rai,
Mr. Mayank Bhandari,
Mr. Vivek Saha,
Mr. Binayak Bandopadhyay,

...for the Petitioner

Mr. Joyjit Chowdhury, Ld. AAG
Mr. Nabankur Paul,
Mr. Pradip Sarkar,

....for the State

Mr. Sourav Sen, Sr. Adv.,
Mr. P.K. Ghosh,
Mr. Alok Bhowmik,
Ms. Sadhana Ghosh,

...for the Intervenor

1. The application for addition of party is allowed.

The writ petition has been filed for implementation of orders which were passed against the applicant in CAN 1 of 2026. Suresh Mondal be added as the respondent no.5.
2. The advocate on record of the petitioner will make necessary correction in the cause title.
3. This writ petition has been filed for implementation of the order of eviction passed by the Assistant Engineer, PWD, Siliguri under Sub Section 1 of

Section 10 of the West Bengal Highway Authorities Act, 1964.

4. Mr. Bikramaditya Ghosh, learned advocate for the petitioner submits that despite such order having been passed by the competent authority in terms of the relevant provision of law, the encroachers continue to remain on the property. The authorities have not taken any steps to remove such encroachment.
5. Learned Additional Advocate General submits that prior to the passing of the order for removal of the encroachment upon 10 encroacher including the added respondent, an enquiry was made by the authorities and an inspection was also held. A sketch map was prepared, but was not supplied to the encroachers. Suresh Mondal, the added respondent, filed WPA 1464 of 2025 alleging violation of the principles of natural justice in view of the fact that the said sketch map which formed the basis of the decision of the concerned authority ought to have been supplied to him.
6. Under such circumstances, the writ petition was disposed of by a coordinate Bench directing Suresh Mondal to file a further representation within 10 days from the date of the order i.e. July 28, 2025, by raising further additional point on the sketch map that was prepared by the authority.

On this limited scope, the matter was remanded to the respondent no.4 i.e the Assistant Engineer, PWD, Siliguri Sub Division, to revisit the issue and pass a final order in terms of Section 10 of the West Bengal Highways Act, 1964 within four weeks from receipt of the representation of Suresh Mondal. Suresh Mondal did not file any representation as permitted by the court, within the time fixed by the court. The authority issued a notice of hearing on September 11, 2025 by fixing September 22, 2025 as the date for personal hearing. Suresh Mondal filed WPA 2072 of 2025 and the hearing was stayed till November 2025 or until further orders whichever was earlier. The said writ petition came up for final hearing on September 25, 2025 and the writ petition was dismissed with the following observations:

“9. On careful consideration of the entire materials as placed before this court and after hearing the learned advocates for the contending parties, this court finds sufficient justification on the part of the respondent no.4/authority in issuing the notice under challenge dated 11.09.2025, since the respondent no.8/authority under cover of his report dated 20.12.2024 clearly indicated that in RS Plot no. 215, 10 shops have encroached the said plot with tin shed structure.

10. In order to justify that the writ petitioner before this court is not an encroacher, in considered view of this court, the burden lies upon the writ petitioner

to establish that he is not an encroacher and the report dated 20.12.2024, as submitted by the respondent no.8/authority is faulty.

11. This court finds no reason to upset the notice under challenge dated 11.09.2025 on the plea that despite seeking information under the Right to Information Act, 2005 regarding some documents, the writ petitioner has not yet received such document from the competent authority, since in considered view of this court for non-receipt of such information and/or any document, as called for under the Right to Information Act, 2005, the remedy lies with the writ petitioner elsewhere.

12. With the aforementioned observations, WPA 2072 of 2025 is dismissed.”

7. No appeals therefrom were carried. In the meantime, it appears to the court that the order passed by the Co-ordinate Bench in WPA 1468 of 2025 revives.

8. Mr. Sen learned Senior Advocate appears for Suresh Mondal and submits that Suresh has already filed a further representation before the authority.

9. The learned Additional Advocate General submits that hearing of the matter by the respondent no.4 has been fixed on 19th January, 2026 at 2p.m.

10. Under such circumstances, nothing remains to be decided in the writ petition.

11. The writ petition is disposed of by permitting the petitioner, Suresh and the other encroachers to

appear for hearing on the date fixed and place their respective case with all supporting documents. The authority shall pass a final order upon considering all the relevant records before him. The scope of the hearing should be in consonance with the order passed by the coordinate Bench on July 28, 2025 passed in WPA 1468 of 2025.

12. Needles to mention, the consequences of the final order which will be passed by the authority will follow. The final order shall contain reasons and shall deal with the issues which are raised by the parties. It is also recorded that the other encroachers have neither raised any dispute with regard to the decision already taken by the respondent no.4 for removal of encroachment nor approached any other forum against such decision.

13. The entire exercise shall be completed within 8 weeks from date.

14. There shall be no order as to costs.

15. CAN 1 of 2026 is allowed and disposed of.

16. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)