

15
22.01.2025
Court No.14
BP/AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 1789 of 2025

Sri Raghupati Gayen & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya.
Mr. Chandra Nath Sarkar.
Mr. Sounak Mondal.

... For the Petitioners.

Mr. Soumitra Bandopadhyay. Sr. Adv.
Mr. Srinath Singha.

... For the State.

1. Supplementary affidavit filed in Court today be kept with the records.
2. The petitioners are aggrieved by the order passed by the Sub Divisional Magistrate, Baruipur, South 24 Parganas dated 6th January, 2025 directing the Assistant Engineer, PWD (Roads), Lakshmikantapur Highway Sub-Division to take necessary steps to remove illegal encroachment and complete the demolition process on 27th January, 2025.
3. The petitioners allege that the order dated 6th January, 2025 was intimated to them through the Officer-in-Charge, Bakultala Police Station, South 24 Parganas only on 15th January, 2025.
4. The petitioners filed an appeal on 21st January, 2025 within the statutory period before the District Magistrate. No date has been fixed by the appellate authority for consideration of the appeal.
5. It has been submitted that prior to disposal of the appeal if the encroachment, as alleged, is demolished, then the appeal will be rendered

infructuous and the petitioners will remain remediless.

6. Prayer has been made to stay the hands of the Highway authority from proceeding with the demolition process.
7. As it appears from the submission made on behalf of both the parties that the appeal which has been preferred within the statutory period is yet to be considered and disposed of, accordingly, permitting the respondent authority to demolish the structures will cause serious prejudice to the petitioners.
8. In view of the above, the Court is inclined to direct the respondent authority not to proceed any further with the demolition process till the conclusion of the appeal.
9. The District Magistrate, South 24 Parganas being the respondent no. 2 herein is hereby directed to consider and dispose of the appeal preferred by the petitioners in accordance with law at the earliest by passing a reasoned order. Till one week after the date of communication of the reasoned order to the petitioners, the impugned order of the Sub Divisional Officer shall not be given effect to.
10. It is made clear that the Court has not entered into the merits of the appeal preferred by the petitioners and all points are left open to be decided by the District Magistrate at the time of consideration of the appeal.
11. The writ petition stands disposed of.
12. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)