

26.03.2025

Ct. no.2
Sl. 9
b.r.

WPA 6225 of 2025

Tapas Jana & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Balaram Pandit (on virtual mode)

Mr. Krishna Deo Das

.... For the Petitioners

Mr. Chandi Charan De, Ld. AGP

Mr. Anirban Sarkar

..... for the State.

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Balaram Pandit, learned advocate appears for the petitioner on virtual mode.

Mr. Chandi Charan De, learned Additional Government Pleader, appears for the State-respondents.

The grievance of the petitioners is that the appeal filed by the petitioners under **Sub-Section (4) to Section 10 of the West Bengal Highways Act, 1964, annexure p-2 at page-19** to the writ petition is still pending before the jurisdictional appellate authority. During pendency of the said appeal, the jurisdictional Assistant Engineer, PWD has requested the local police authority by its communication dated **March 5, 2025, annexure p-3 at page-23** to the writ petition to provide

necessary assistance immediately so that an eviction programme can be under taken in respect of the same plot of land, out of which the statutory appeal is pending.

In view of the above, the jurisdictional appellate authority shall dispose of the appeal filed by the petitioners at **page-19** to the writ petition positively within a period of **six weeks** from the date of communication of this order after affording an opportunity of hearing to the parties to the appeal and by passing a reasoned order in accordance with law.

In the event, the reasoned order to be passed in the appeal confirms the encroachment then the jurisdictional Assistant Engineer, PWD and other appropriate authorities shall take all necessary and consequential steps to give an immediate effect thereto but positively within the period of **three weeks** from the date of the said reasoned order to be passed.

In that event, if any assistance is sought for by the authority, the local police authority shall render all necessary assistance.

In view of the above, the said communication dated **March 5, 2025, annexure p-3 at page-28** to the writ petition stands **quashed**.

It is made clear that this Court has not gone into the merits of the claim and rival claims of the parties and the appellate authority shall proceed independently in accordance with law on the merit of the appeal.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 6225 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)