

S/L 17
04.04.2025
Court. No. 236
Sourav

WPA 6518 of 2025

**Sri Biswanath Paria & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Bharat Chandra Simai
Mr. Somen Bose
Ms. Sanchayita Das*

...for the petitioners.

*Mr. Balaram Pandit
Mr. Krishna Deo Das*

...for the State.

1. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically, against the respondent no. 8 commanding him for speedy disposal of the appeal as preferred by the private respondents challenging the order dated 26.07.2024 vide memo no. 2112/KGP by the Sub-Divisional Officer and Sub-Divisional Magistrate, Kharagpur i.e., the respondent no. 5 herein.
2. At this juncture, learned advocate for the writ petitioners draws attention of this Court to page no. 35 of the instant writ petition being a copy of the said order dated 26.07.2024 as passed by the respondent no. 5/authority. He also draws attention of this Court to page nos. 38 and 39 of the instant writ petition being a copy of notice to the respondent no. 8/authority by the learned advocate for the writ petitioner requesting the respondent no. 8 to dispose of the said appeal as preferred by the private respondents at the earliest.

3. It is the grievance of the writ petitioner that the said appeal is still pending and even after receipt of the notice dated 28.01.2025 as issued by the writ petitioners' advocate nothing has been done by the respondent no. 8 as yet.
4. Learned advocate appearing on behalf of the private respondents, however, disputed such contention.
5. It is submitted by him that in the said appeal, the present writ petitioner is not a party.
6. On careful consideration of the entire materials as placed before this Court, it reveals to this Court that the order dated 26.07.2024 as passed by the respondent no. 5/authority was passed pursuant to a complaint lodged by the present writ petitioner as well as pursuant to the order and judgment dated 19.06.2023 as passed by a co-ordinate Bench in WPA 12105 of 2023.
7. It reveals further that by the said order dated 26.07.2024, the respondent no. 5 directed the Assistant Engineer, PWD, Kharagpur Sub-Division to recover possession by way of removal of impugned encroachment as per the provision of Section 10(3) of the West Bengal Highways Act, 1964 (hereinafter referred to as 'the said Act of 1964').
8. Materials have been placed before this Court that challenging the said order, the private respondents herein have preferred an appeal.

9. In view of such while disposing the instant writ petition, this Court directs the respondent no. 8 to dispose of the said appeal as preferred by the private respondents challenging the order dated 26.07.2024 as passed by the respondent no. 5 positively within six weeks from the communication of this order after giving due opportunity of hearing to the appellants of the said appeal as well as to the writ petitioner and by passing a reasoned order soon thereafter but within the time framed.
10. The respondent no. 8 is hereby directed to act on the server copy of this order.
11. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 8 forthwith.
12. With the aforementioned observations, the instant writ petition being **WPA 6518 of 2025** is disposed of.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)