

S/L 25
18.09.2025
Court. No. 19
Sourav

WPA 8563 of 2025

**Hiranmoy Mal & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Panchanan Hajra

...for the petitioners.

*Mr. Suddhadev Adak
Ms. Richa Pramanik*

...for the State.

Mr. Souhardya Mitra

...for the respondent nos. 10 and 11.

1. The affidavit-of-service as filed today on behalf of the writ petitioners is taken on record.
2. The writ petitioners, the respondent/State and the respondent nos. 10 and 11 are represented by their respective learned advocates.
3. The subject matter of challenge in the instant writ petition is the notice dated 04.04.2025 as issued by the respondent no. 5/authority under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act of 1964' in short).
4. Mr. Adak, learned advocate appearing on behalf of the respondent/State submits before this Court that the instant writ petition is not maintainable since the instant writ petition is premature one.
5. On careful perusal of the entire materials as placed before this Court, this Court finds sufficient justification in the submission of Mr. Adak, learned advocate appearing on behalf of the respondent/State inasmuch as though the writ petitioners were served with a notice under Section 10(1) of the said Act of 1964 but the

respondent no. 5/authority has not made any application with the respondent no. 3/authority under Section 10(2) of the said Act of 1964 where adjudication shall have to be made by the respondent no. 3/authority under Section 10(3) of the said Act of 1964 after recording of evidence.

6. Such being the position, the instant writ petition being **WPA 8563 of 2025** is hereby dismissed.
7. With the dismissal of the instant writ petition, the instant interlocutory application being **CAN 1 of 2025** is also disposed of.
8. Before parting with, it is made clear that in the event, the respondent no. 5/authority files an application under Section 10(2) of the said Act of 1964 before the respondent no. 3/authority, the respondent no. 3/authority is directed to adjudicate the said application under Section 10(3) of the said Act of 1964 after securing prior service of notice upon the present writ petitioners as well as upon the other stakeholders, if therebe any.
9. It is made clear that while disposing the instant writ petition, this Court has not gone into the merit of the instant writ petition and thus all points are kept open for adjudication by the respondent no. 3/authority if occasion so arises.
10. It is further made clear that since no affidavits have been called for, the allegations made in the instant writ petition are deemed to have been denied.

(Partha Sarathi Sen, J.)