

N.22Sl
151/CL

WPA 9712 of 2025
With
CAN 1 of 2025

25.09.2025
SL-03
Ct.19
(S.R.)

Sk Ajam Mahammad & Ors.
-vs-
State of West Bengal & Ors.

Mr. Goutam Guria ... for the petitioners.

Mr. Jayanta Samanta
Ms. Debdooti Dutta ... for the State.

Mr. Sk. Rejaul Alam
... for the respondent nos.7 to 15.

1. At the time of hearing, learned advocate appearing on behalf of the writ petitioners has filed a letter dated 20.09.2025 addressed to the learned Legal Remembrancer, Government of West Bengal. Let the receipted copy of the letter dated 20.09.2025 be taken on record.
2. The writ petitioner, the respondent/State and its instrumentalities and the private respondents except private respondent 11 and 15 are represented by their respective counsels.
3. By filling the instant writ petition, the writ petitioners have prayed for issuance of appropriate writs/writs against the respondent authorities, more specifically, against the respondent no.5/authority to implement the order dated 12.12.2023 as passed in MP Case No.1430 of 2023 in a proceeding under Section 10(3) of the West

Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act', in short).

4. In course of hearing, learned advocate appearing on behalf of the writ petitioners draws attention of this Court to page nos.14 and 15 of supplementary affidavit dated 16.09.2025. It is submitted by Mr. Guria that from the said two pages, it would reveal that challenging the said order dated 12.12.2023, as passed by the respondent no.5/authority, an appeal was preferred before the jurisdictional District Magistrate, who is the respondent no.2 herein under Section 10(4) of the said Act, which was dismissed.
5. It is further submitted by Mr. Guria that challenging the order dated 05.06.2025, as passed by the respondent no.2/authority in the said appeal, a writ petition was preferred and from page nos.16 and 17 of the aforementioned supplementary affidavit, it would reveal that a Coordinate Bench of this Court by its order dated 31.07.2025 dismissed the said writ petition being WPA 16008 of 2025. It is, thus, submitted by Mr. Guria that in view of the factual position, as submitted by him, the order dated 12.12.2023 as passed by the respondent no.5 has reached its finality and the same is required to be implemented for removal of the encroachers.

6. In course of his submission, Mr. Samanta, learned advocate appearing on behalf of the respondent/State draws attention of this Court to the copy of the memo dated 06.05.2025, as issued by the respondent.4/authority to the Superintendent of Police (DIB), Tamruk, District -Purba Medinipur with a request to fix an early date to provide sufficient force for implementation of the said order dated 12.12.2023, as passed in MP Case No.1430 of 2023 by the respondent no.5/authority.
7. Such contention is, however, opposed by Mr. Alam. It is contended by Mr. Alam that from page no.15 of the instant writ petition, being a copy of the LRROR in respect of plot nos.1271/1272 of the instant writ petition, it would reveal that there is construction over Plot No.1272, which is a Rayati land and, therefore, the said construction ought not to be removed while implementing the order dated 12.12.2023.
8. On careful consideration of the entire materials, as placed before this Court and after hearing the learned advocates contending the parties, this Court finds that the order dated 12.12.2023, as passed by the respondent no.5/authority in MP Case No.1430 of 2023 in a proceeding under Section 10(3) of the said Act, has already reached its finality and, thus, the same is required to be

implemented.

9. In view of such, this Court while disposing the instant writ petition directs the respondent no.5/authority to implement the aforementioned order dated 12.12.2023, as passed in MP Case No.1430 of 2023 in a proceeding under Section 10(3) of the said Act positively by the last day of November, 2025.
10. The respondent no.6/authority as well as the Superintendent of Police (DIB), Tamluk, District-Purba Medinipur are hereby directed to deploy sufficient number of police personnel on the day of execution of the order dated 12.12.2023 at the instance of the respondent no.5/authority.
11. Liberty is given to the learned advocate-on-record for the writ petitioners to communicate the server copy of this order to the respondent nos.4, 5 and 6/authorities as well as to the Superintendent of Police (DBI), Tamluk, District-Purba Medinipur.
12. The aforementioned four authorities of the respondent/State are directed to act on the basis of the server copy of this order.
13. The time limit for execution of the aforementioned order as fixed by this Court is mandatory and peremptory.
14. Before parting with, it is, however, made clear that while executing the order dated 12.12.2023, as

passed in MP Case No.1430 of 2023, the respondent no.5/authority is directed to ensure that he is to remove all encroachments over the disputed plot only, which is the subject matter of MP Case No.1430 of 2025 without touching any construction which has been raised upon a Rayati land.

15. With the aforementioned observations, WPA 9712 of 2025 is disposed of.
16. With the disposal of the instant writ petition, all pending interlocutory applications including CAN 1 of 2025 is disposed of
17. There shall, however, be no order as to costs.
18. 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.)