

June 18, 2025
Sl. No.15
Court No.19
s.biswas

WPA 12146 of 2025

Somnath Sarkar

vs.

The State of West Bengal and others

Mr. Gautam Banerjee

Mr. Raja Ghosh

... for the petitioner

Mr. Supratim Dhar, Sr. Adv.

Mr. Tuli Sinha

... for the State

1. The affidavit of service as filed today on behalf of the petitioner is taken on record.
2. On careful perusal of the entire materials as placed before this court and after hearing the learned advocates for the contending parties, it appears to this court that sufficient materials have been placed before this court, that by an order dated 28.04.2025 the respondent no.2 authority while disposing of the Appeal Case No.02 of 2024 under Section 10(4) of the West Bengal Highways Act, 1964 (hereinafter referred to as 'the Act of 1964' for short), affirmed an order dated 24.07.2024 as passed in Misc. Case No.16/A/2024 as passed by the Sub-Divisional Magistrate, Arambagh.
3. It appears that the order as passed in the appeal by the respondent no.2 authority has been communicated to all concerned by a memo dated 02.05.2025.
4. On perusal of the prayer portion of the instant writ petition, it reveals that probably due to

typographical error, the writ petitioner has prayed for issuance of the appropriate writ for implementation of the order dated 02.05.2025 which should be for implementation of the order dated 28.04.2024 as passed by the respondent no.2 and as has been communicated under cover of memo dated 02.05.2025.

5. It is pertinent to mention herein that while disposing of WPA 11523 of 2025, this court had not interfered with the aforementioned order dated 24.07.2024 as passed in Misc. Case No.16/A/2024 by the Sub-Divisional Magistrate, Arambagh as affirmed by the respondent no.2 authority.
6. In view of such, this court while disposing the instant writ petition, directs the Sub-Divisional Magistrate, Arambagh to implement its order dated 24.07.2024 as passed in connection with Misc. Case No.16/A/2024 in letter and spirit positively within 30 working days from the date of receiving the server copy of this order.
7. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the Sub-Divisional Magistrate, Arambagh for his immediate compliance.

8. The Sub-Divisional Magistrate, Arambagh is directed to act on the basis of the server copy of this order.
9. Before parting with, the respondent no.2 is also directed to ensure availability of sufficient numbers of armed police personnel, if the same has/have been requisitioned by the respondent no.5 authority.
10. Department is directed to forward a copy of this order to the respondent no.7 as well as to the Superintendent of Police (Rural), Hooghly for their information and compliance.
11. With the aforementioned observation, the instant writ petition is disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)