

SL.1
17.06.2025
Court. No. 19
GB

W.P.A. 13122 of 2025

Bhola Nath Pal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Partho Sarathi Das,
Mr. Mritunjay Saha

...for the Petitioners.

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal

...for the State.

Mr. Amit Kumar Pan,
Mr. Dipankar Das

...for the Respondent No.5 to 7.

1. At the time of hearing Mr. Das, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page nos.128 and 129 of the instant writ petition being a copy of an order dated 19.05.2025 as passed by the respondent no.4 authority in a proceeding under Section 10(3) of the West Bengal Highways Act 1964 (hereinafter referred to as the 'said Act of 1964').
2. Drawing attention of this Court to page nos.130 to 142 of the instant writ petition, it is submitted by Mr. Das that challenging the said order dated 19.05.2025 the writ petitioners preferred an appeal on 29.05.2025 before the jurisdictional District Magistrate under Section 10(4) of the said Act of 1964, however, the petitioners have not received any appeal number in connection with the said appeal and the said appeal is

yet to be disposed of by the said jurisdictional District Magistrate that is the respondent no.2 herein.

3. It is further submitted by Mr. Das that in the meantime the respondent no.4 authority is bent upon to carry out and/or to execute its order dated 19.05.2025 and in the event such order is enforced, the very purpose of filing an appeal under Section 10(4) of the said Act of 1964 before the respondent no.2 would become infructuous.
4. It is thus submitted by Mr. Das that appropriate relief/reliefs may be granted to the writ petitioners in terms of the prayers made in the instant writ petition.
5. Such contention is, however, opposed by Mr. Pan, learned advocate appearing on behalf of the respondent nos.5, 6 and 7 as well as Mr. Bandyopadhyaya learned senior government advocate duly assisted by Mr. Batabyal, learned advocate appearing on behalf of the respondent nos.1 to 4 and 8.
6. In course of his submission, Mr. Pan has however submitted the print out of the order dated 17.06.2025 as passed by the respondent no.4 authority, wherefrom it reveals that the respondent no.4 authority has suo moto stayed the removal of unauthorized encroachment which has been fixed on 18.06.2025 until further orders.
7. Such being the position, this Court while disposing the instant writ petition directs the present writ

petitioners as well as the respondent nos.5, 6 and 7 and/or their authorized representatives to appear before the District Magistrate, North 24 Parganas on 25.06.2025 at 2 p.m.

8. Upon such appearance the District Magistrate, North 24 Parganas shall record their appearances and shall fix a day of hearing of the appeal as preferred by the writ petitioners and on the adjourned date and/or on subsequent dates as would be fixed by the respondent no.2, after giving an opportunity of hearing both to the writ petitioners as well as to the respondent nos.5, 6 and 7 and/or their authorized representatives shall pass an appropriate order in disposing the appeal as preferred by the writ petitioners under Section 10(4) of the said Act of 1964 positively within the last day of July 2025 and shall communicate his order/judgment to both the writ petitioners as well as to the respondent nos.5, 6 and 7 and the respondent no.4.
9. It is further ordered that the District Magistrate while hearing the said appeal shall not grant any unnecessary adjournment to the parties to the said appeal.
10. The time limit for disposal of the appeal as preferred by the writ petitioners is mandatory and peremptory.
11. It is further ordered that the order dated 19.05.2025 as passed by the respondent no.4 shall remain stayed till the disposal of the appeal by the District Magistrate, North 24 Parganas.

12. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order to the respondent no.2 and respondent no.4 forthwith.
13. The respondent nos.2 and 4 are directed to act on the server copy of this order.
14. With the aforementioned observation WPA 13122 of 2025 is disposed of.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)