

N.22Sl
151/CL

WPA 22374 of 2025

Sri Basudeb Mondal

-vs-

The State of West Bengal & Ors.

17.09.2025
SL-14
Ct.19
(S.R.)

Mr. Sounak Bhattacharya
Mr. Chandranath Sarkar
Mr. Sounak Mandal
Ms. Bipasa Bhattacharyya ... for the petitioner.

Mr. A. Roy, GP
Mr. Dipanjan Datta, Sr. Govt. Adv.
Mr. Soumen Chatterjee ... for the State.

1. The affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. This Court has heard Mr. Bhattacharya, learned advocate appearing on behalf of the writ petitioner and Mr. Datta, learned advocate appearing on behalf of the respondent/State.
3. The subject matter of the instant writ petition is the memo dated 04.09.2025, as issued by the respondent no.3/authority whereby and whereunder the respondent no.3/authority directed the respondent no.5/authority to carry out the demolition work on 19.09.2025 in view of the order passed by him on 28.07.2025 in a proceeding under Section 10(3) of the West Bengal Highways Act, 1964 (hereinafter referred to as the 'said Act', in short), which according to the writ petitioner, was communicated to him by a memo dated 08.09.2025.
4. It is submitted by Mr. Bhattacharya that soon

thereafter i.e. on 15.09.2025, the writ petitioner preferred an appeal before the jurisdictional District Magistrate under Section 10(4) of the said Act. However, as of now no date of hearing has been fixed.

5. It is submitted by Mr. Bhattacharya that, in the event, the memo dated 04.09.2025, which is under challenge before this Court is not quashed by issuing appropriate writ/writs the very purpose of filing the appeal dated 15.09.2025, as preferred by the writ petitioner, would become infructuous.
6. Mr. Datta though opposed the submission, as made on behalf of the writ petitioner, however, in his usual fairness, he submits before this Court that the respondent no.2/authority may be directed to dispose of the appeal, as filed by the writ petitioner, within a specified time.
7. On careful consideration of the entire materials, as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds that the memo dated 04.09.2025, as has been issued by the respondent no.3/authority addressed to the respondent no.5/authority was consequential to the order dated 28.07.2025, as passed by him in connection with a proceeding under Section 10(3) of the said Act.
8. However, considering the fact that the writ petitioner has preferred an appeal under Section 10(4) of the

said Act before the respondent no.2/authority challenging the veracity and correctness of the order dated 28.07.2025, as passed by the respondent no.3/authority, this Court while disposing the instant writ petition directs that the respondent nos.3 and 5/authorities not to carry out any work of demolition in terms of the order dated 28.07.2025, as passed by the respondent no.3/authority and as has been communicated to the writ petitioner vide memo dated 08.09.2025 till disposal of the appeal, as preferred by the writ petitioner with the respondent no.2/authority.

9. The respondent no.2/authority is, however, directed to dispose of the appeal dated 15.09.2025 as preferred by the writ petitioner against the said order dated 28.07.2025 positively within forty five working days from today without granting any adjournment to the writ petitioner on any ground whatsoever and hearing of such appeal is to be conducted in *de-dei-in-diem* manner.
10. It is further directed that immediately after passing of the judgment in the said appeal, the respondent no.2/authority shall communicate copies of such judgment to the respondent no.3/authority as well as to the writ petitioner preferably by mail, if the email details of the writ petitioner is given to him at the time of hearing.
11. The time limits as fixed by this Court are mandatory

and peremptory.

12. Liberty is given to the learned advocate on record for the writ petitioner to communicate the server copy of this order to the respondent nos.2 and 3/authorities.
13. The respondent nos.2 and 3/authorities are hereby directed to act on the basis of the server copy of this order.
14. The learned advocate appearing on behalf of the respondent/State is equally requested to communicate the server copy of this order to the respondent no.3/authority so as to ensure that no demolition work take place on 19.09.2025 pursuant to the memo dated 04.09.2025 in terms of the observations, as made hereinabove.
15. Considering the urgency of the situation, liberty is given to the learned advocates for the contending parties to communicate the gist of this order to the aforementioned two respondents/authorities forthwith.
16. Accordingly, WPA 22374 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.)