

320 **27.11.**
2025

Ct. No.
551

Ab

WPA 25473 of 2025

**Choddomile Bazar Committee, represented by
Secretary Ramananda Roy and others
Vs.
The State of West Bengal and others.**

**Mr. Amit Baran Dash,
Mr. Kazi Ardan Ali.**
... for the petitioners.

**Mr. Biplab Guha,
Mr. Raj Sekhar Basu.**
... for the State.

**Mr. Monoranjan Jana,
Ms. Mitali Jana.**
... for the respondent no. 10.

1. This writ petition is directed against a letter dated October 14, 2025 issued by the Sub-Divisional Officer and Assistant Engineer, Digha Irrigation Sub-Division, Ramnagar, Purba Medinipur, whereby the said Officer has requested the Officer in-Charge, Ramnagar Police Station for assistance in order to implement the order of demolition passed by the Sub-Divisional Officer, Contai on September 2, 2025 in a proceeding under Section 3 of the West Bengal Public Land (Eviction of Unauthorized Occupants) Act, 1962 (in short ‘said Act of 1962’) and Section 10(3) of the West Bengal Highway Act, 1964 (in short ‘said Act of 1964’).
2. The said order dated September 2, 2025, implementation whereof has been sought for by the letter dated October 14, 2025, had been

passed by the Sub-Divisional Magistrate, Contai, Purba Medinipur in the said proceeding initiated under Section 3 of the said Act of 1962 and Section 10(3) of the said Act of 1964 thereby directing “*all the encroachers of Plot No. 329 and Govt. acquisitioned part of plot No. 335 Mouza Barsolemanpur*” to remove “*their illegal construction within 15 days*” of the receipt of the said order.

3. It is submitted by the petitioners that the petitioners have carried the matter in appeal before the Collector-cum-District Magistrate, Purba Medinipur on September 23, 2025 and that such appeal is pending. It is submitted that the petitioners have also made a prayer for interim stay of operation of the order dated September 2, 2025 passed by the Sub-Divisional Magistrate, Contai, but neither the said interim application has been considered nor the appeal.
4. It is further submitted by the petitioners that if during pendency of the appeal, the order impugned in the appeal is executed and implemented, the petitioners’ appeal would become infructuous.
5. Learned Advocate for the State respondents hands up the Court two reports prepared by the District

Magistrate, Purba Medinipur and the Officer in-Charge, Ramnagar Police Station wherefrom it appears that an appeal has indeed be filed by the petitioners on September 23, 2025 before the District Magistrate, Purba Medinipur. Both the reports are taken on record.

6. Learned Advocate appearing on behalf of the respondent no. 10 submits that the order impugned in appeal has rightly been passed and that the same may not be interfered with by the appellate authority. It is further submitted that no copy of the appeal has been served upon the respondent no. 10.
7. Since the petitioners have filed an appeal against an order dated September 2, 2025 passed by the Sub-Divisional Magistrate, it would be proper to request the District Magistrate i.e. the respondent no. 2 to dispose of the said appeal as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order. Since the petitioners apprehend that during pendency of the appeal, the order may be implemented and the petitioners' appeal may become infructuous, it is expected that the respondent no. 2 shall hear out the petitioners' case for passing an interim order of stay of

operation of the order dated September 2, 2025 within two weeks from the date of communication of this order. Since the petitioners' appeal is pending before the Respondent No. 2 and the same has not been taken up as yet, it is expected that during the said period of two weeks i.e. prior to the respondent no. 2 taking up the petitioners' case (for interim stay as prayed for in the appeal) for hearing the order dated September 2, 2025 passed by the Sub-Divisional Magistrate shall not be implemented by the respondents.

8. It is submitted by the learned Advocate appearing on behalf of the respondent no. 10 that the appeal itself is not maintainable. All points as regards maintainability of the appeal as well as entitlement of the petitioners to an interim order of stay shall be available to be taken by the respondent no. 10 before the appellate authority when the appeal is taken up for hearing.
9. It is clarified that this Court has not gone into the merits of the case and all points that may be urged before the appellate authority shall be decided by the appellate authority in accordance with law, without being influenced by any observation made herein above.
10. The petitioners shall serve a copy of the

appeal to the learned Advocate appearing for the respondent no. 10 forthwith.

11. WPA 25473 of 2025 stands disposed of with the above observations.

(Om Narayan Rai, J.)