

Item-
16. 14-11-2025

WPA 25610 of 2025

sg Ct. 19

Tara Pada Sarder & Anr.
Versus
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
...for the petitioners
Mr. Pankaj Halder
...for the respondent no. 8
Mr. Argha Chowdhury
Mr. Ashok Kr. Sarkar
...for the State

Affidavit of service filed in Court today is taken on record.

The order of the Executive Magistrate, Diamond Harbour dated October 15, 2025 is under challenge in this writ petition. The order impugned in this writ petition is an appealable order under the provisions of Section 10(4) of the West Bengal Highways Act, 1964.

Mr. Mrinal Kanti Ghosh, learned Advocate appearing for the petitioner, submits that the petitioner has preferred an appeal under the provisions of Section 10(4) of 1964 Act before the District Magistrate, South 24 Parganas at Alipore, challenging the aforesaid order passed by the Executive Magistrate. The immediate grievance of the petitioner is that the Executive Magistrate passed an order relaying upon some reports. But the copies of such reports have not been supplied to the petitioner.

Since the petitioner has already approached the Appellate Authority under Section 10(4) of the 1964 Act, this Court refrains from making any observation as to the

propriety of the order passed by the Executive Magistrate at this stage.

Considering the fact that the order impugned in this writ petition was passed relying upon certain documents, such documents ought to have been supplied to the petitioner prior to passing of the order impugned.

Taking note of the facts and circumstances of the instant case and the fact that the Appellate Authority has already been approached by the petitioner, WPA 25610 of 2025 stands disposed of by directing the Executive Magistrate, Diamond Harbour, being the third respondent, to supply the copies of the reports and other documents which were relied upon while passing the order dated 15th October, 2025 within a period of one week from the date of receipt of a server copy of this order.

Immediately after receipt of the documents from the Executive Magistrate, the petitioner will be at liberty to approach the District Magistrate, South 24 Parganas at Alipore praying for fixing a date for hearing of the appeal filed by the petitioner under the provisions of Section 10(4) of 1964 Act.

If such an approach is made, the District Magistrate shall fix an early date for hearing of the appeal and make all endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

It will also be upon to the petitioner to approach the Appellate Authority for any interim relief, if the occasion so arises.

Since the order impugned was passed without serving the documents which were relied upon while passing the impugned order, this Court is inclined to pass an interim order for a limited period.

There shall be an order of injunction restraining the respondent authorities from taking any further steps pursuant to the order dated October 15, 2025 for a period of four weeks from date or until further order whichever is earlier.

It will also be open to the respondent authorities to raise all points including the question of jurisdiction before the Appellate Authority and the Appellate Authority shall be free to decide all such issues without being swayed by any observation made hereinbefore.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)