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01.12.2025
Court No.19
BP

WPA 27015 of 2025

Aindam Mandal
-versus-
The State of West Bengal & Ors.

Mr. Koushik Dey
Mr. Chitrak Biswas
..for the petitioner

Mr. Suddhadev Adak
Mr. Tapas Kumar Das
..for the State

The petitioner claims to be the recorded owner of Plot No. 140/235 under Khatian No. 222 within Mouza Haribarh under J.L. No. 408 under the Police Station Belda in the District of Paschim Medinipur. The petitioner states that there is a State Highway running from Belda to Egra just adjacent to the property of the petitioner.

The petitioner alleges that there has been an encroachment upon the said Stay Highway. The petitioner submitted a representation before the concerned respondent authorities. Alleging inaction on the part of the concerned authorities the petitioner filed a writ petition being WPA 11204 of 2025 which was disposed of by an order dated June 20, 2025 by directing the concerned respondent to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 if there is sufficient merit in the representation of the petitioner.

The learned advocate appearing for the petitioner submits that pursuant to the said order notice for

removal of encroachment under Section 10(1) of the West Bengal Highways Act, 1964 dated 9th September, 2025 was issued. However, no steps were taken to remove the unauthorised encroachment which prompted the authority to take steps under Section 10(2) of the 1964 Act. He further submits that since the encroachment was not removed the matter was referred to the concerned Magistrate under the provisions of Section 10(3) of the 1964 Act. He submits that the Magistrate is sitting tight over the matter and has not taken any steps to pass an order under Section 10(3) of the 1964 Act.

State is represented by its learned advocate. He submits that the authorities shall take steps under the provisions of Section 10(3) of the 1964 Act within a period of three weeks from date.

In the light of the submissions made by the learned advocates for the respective parties and considering the fact that the matter has been referred to the Magistrate under Section 10(3) of the 1964 Act, WPA 27015 of 2025 stands disposed of by directing the Sub-Divisional Officer, Kharagpur Sub-Division and Executive Magistrate being the 6th respondent to take steps in terms of Section 10(3) of 1964 Act and to pass a reasoned order in accordance with law upon giving an opportunity of hearing to the petitioner and any person who may be affected by such decision within a period of four weeks from the date of receipt of a server copy of this order. The reasoned order

shall be communicated to the petitioner and other affected parties immediately thereafter.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)