

29.12.2025
Item no. 31.
Court No.7.
AB

WPA 29953 of 2025

**Jagarani Sangha represented by
its Secretary & Anr.
Vs
The State of West Bengal & Others**

Mr. Lakshminath Bhattacharya,
Mr. Dipam Majumdarfor the Petitioners.

Mr. Jayanta Samanta,
Mr. Sanjib Das,
Ms. Indrani Nandifor the State.

Mr. Sankar Paul,
Ms. Kumari Shipra Roy
.....for the Respondent Nos.11, 12.

The grievance of the petitioners is that the respondent authorities are taking steps to demolish the structure raised by the petitioners without disposing of the appeal preferred by the petitioners on 10.12.2025.

The writ petitioners have challenged the notice dated 23.12.2025 in this writ petition. In the said notice, it was indicated that the portion encroached over the PWD land shall be removed on December 30, 2025.

The learned advocate appearing for the petitioners submits that challenging an order of eviction passed by Sub Divisional Magistrate on May 2, 2025, the petitioners have preferred an appeal under Section 10(4) of the West Bengal Highways Act,

1964 and the Coordinate Bench by an order dated 12.12.2025 in WPA 28306 of 2025 directed the authorities to dispose of the said appeal.

The learned advocate appearing for the State submits that pursuant to an order passed on November 21, 2025, in a contempt petition being CPAN 430 of 2025, the notice dated 23.12.2025 has been issued.

The learned advocate appearing for the private respondent nos.11 and 12 submits that since the Rule has been issued against the alleged contemnor, the notice of eviction has been issued.

After going through the order dated 12.12.2025, this Court finds that the Coordinate Bench after noting the order dated November 21, 2025, passed in CPAN 403 of 2025, arising out of WPA 21779 of 2024, directed the authorities to dispose of the appeal strictly in accordance with law. Since the appeal against an order of eviction is pending, this Court is of the considered view that the said appeal is to be disposed of in accordance with law and the operation of the notice dated 23.12.2025 should be stayed.

In view thereof, WPA 29953 of 2025 stands disposed of by directing the District Magistrate being the appellate authority to dispose of the appeal petition filed by the petitioners on December 10, 2025 against the order of the Sub Divisional Magistrate

dated 2.5.2025 upon giving an opportunity of hearing to the petitioners and any other persons who may be affected by such decision and by passing a reasoned order and communicating the same to the parties immediately thereafter. The entire exercise shall be completed as expeditiously as possible but positively on or before January 8, 2026.

The notice dated 23.12.2025 shall remain stayed till the communication of the order passed in the appeal petition filed by the petitioners on December 10, 2025.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)