

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

HEARD ON: 24.02.2025

DELIVERED ON: 24.02.2025

**CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

F.M.A. 75 of 2025

With

I.A. No. CAN 1 of 2025

Sk Firoj & Ors.

Vs.

Pradip Bhowmik & Ors.

**Appearance:-
Mr. Ashis Santra**

.....For the Appellants

Mr. Dilip Kr. Sinha

.....For the Respondents/Writ Petitioners

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the private respondents in the writ petition in W.P.A. 16052 of 2024 is directed against the order dated 29th November, 2024.
2. After elaborately hearing the learned advocates for the parties, we are of the view that the prayer of the writ petitioners was to consider the representation. However, in the impugned order dated 29th November, 2024 in W.P.A. 16052 of 2024 in paragraph 6, there appears to be a positive direction. Therefore, to that extent, the impugned order requires to be modified.
3. Accordingly, the appeal is partly allowed and the direction in paragraph 6 of the impugned order dated 29th November, 2024 filed by Pradip Bhowmik & Anr. is modified by directing the Executive Engineer, Public Works (Roads), Directorate, Tamluk Highway Division to consider the representation

submitted by the writ petitioners and take action in accordance with law after notice to all concerned. In fact, another writ petition was also filed and disposed of on the same date i.e. on 29th November, 2024 in W.P.A. 16120 of 2024, where the direction was to consider the representation and pass a reasoned order.

4. Therefore, this appeal is partly allowed and the direction issued in paragraph 6 is modified by directing the appropriate authority to consider the representation given by the writ petitioners and pass a reasoned order on merits and in accordance with law after notice to all concerned.
5. This direction shall be complied with within a period of twelve weeks from the date of receipt of server copy of this order.
6. The learned advocate appearing for the respondents/writ petitioners submitted that on 20th February, 2025, the appellants and all parties were called for a hearing, hearing has been held and all parties were personally present.
7. Learned advocate appearing for the appellants submitted that the appellants were not put on notice. In any event, we have directed the representation to be considered. The authority will take appropriate action in accordance with law.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS) J.)