

SL. 20
23.02.2026
Court No.19
BP

WPA 3929 of 2026

Lakshman Chandra Mondal & Anr.
-versus-
The State of West Bengal and others

Ms. Sutapa Sanyal, Sr. Advocate
Mr. Aditya Chakrabarti
Mr. Abir Bhattacharya
Mr. Triptimoy Talukdar
Mr. Dibyendu Ghosh
..for the petitioners

Mr. Mrinal Kanti Ghosh
Mr. Sailendu Sekhar Bayerd
..for the State

The petitioners have prayed for a direction upon the District Magistrate and Collector, Purba Medinipur to dispose of the appeal filed by the petitioners under Section 10(4) of the West Bengal Highways Act, 1964 on January 27, 2026.

The learned senior advocate appearing for the petitioners submits that the petitioners have challenged the order passed by the Sub-Divisional Magistrate, Tamluk, Purba Medinipur dated 15th January, 2026 in Case No. 29 of 2024 under Section 10(3) of the West Bengal Highways Act, 1964 by preferring an appeal under Section 10(4) of the 1964 Act on 27th January, 2026. She submits that no date of hearing of such appeal has been fixed. She further submits that the Assistant Engineer, PWD Tamluk Sub-Division has issued a memo dated 9th February, 2026 directing the Superintendent of Police

(DIB), Tamluk to remove the encroachment from the land in question.

On a query of the Court Mr. Ghosh, learned advocate appearing for the State, on instructions submits that the appeal under Section 10(4) of the West Bengal Highways Act, 1964 shall be disposed of by the District Magistrate, Purba Medinipur by the end of May, 2026.

Such submission of Mr. Ghosh is placed on record.

Since the petitioners have availed of the remedy of appeal under the 1964 Act against an order passed under Section 10(3) of the 1964 Act and in the light of the submission on instruction made by Mr. Ghosh, the District Magistrate and Collector, Purba Medinipur is directed to dispose of the appeal filed by the petitioners on 27th January, 2026 under Section 10(4) of the 1964 Act as expeditiously as possible but positively on or before the end of the month of May, 2026.

Since an appeal has been preferred challenging the order dated 15th January, 2026, this court is of the considered view that the petitioners are entitled to an interim order till the appeal is disposed of.

There shall be an order of stay of operation of the order dated 15th January, 2026 passed by the Sub-Divisional Magistrate, Tamluk, Purba Medinipur in Case No. 29 of 2024 till the disposal of the appeal under Section 10(4) of the 1964 Act.

With the above observations, WPA 3929 of 2026 stands disposed of.

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.)