

Sl.11
30.03.2026
Court No.19
BP

WPA 6287 of 2026

Sanjib Kumar Naskar
-versus-
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
..for the petitioner

Mr. Avirup Mondal
Mr. Jahangir Badshah
..for the State

The immediate grievance of the petitioner is that the order passed by the Executive Magistrate, Diamond Harbour, 24 Parganas (South) under Section 10(3) of the West Bengal Highways Act, 1964 directing removal of encroachment within the time limit stipulated thereunder has not yet been implemented.

The learned advocate appearing for the petitioner draws the attention of the Court to a memo dated 28th July, 2025 issued by the Assistant Engineer, Diamond Harbour Highway Sub-Division, Public Works (Roads) Directorate to the Officer-in-Charge, Mandirbazar Police Station requesting the police authorities to fix a date for removal of the unauthorised structure.

On a query of the Court the learned advocate appearing for the petitioner and the State uniformly submit that no appeal has been preferred against the order dated 26th June, 2025 passed by the Executive Magistrate, Diamond Harbour, South 24 Parganas. If the

said order has not yet been modified, varied or stayed, nothing prevents the authorities from implementing the said order.

In the light of the submissions made by the learned advocates for the respective parties, WPA 6287 of 2026 stands disposed of by directing the Assistant Engineer, Diamond Harbour Highway Sub-Division, Public Works (Roads) Directorate and the Inspector-in-Charge, Mandirbazar Police Station being the respondent nos. 8 and 10 respectively to implement the order of removal of encroachment passed by the Executive Magistrate, Diamond Harbour, 24 Parganas (South) on 26th June, 2025 if the same has not been varied, modified or set aside by any appropriate forum as expeditiously as possible but positively by the end of the month of May, 2026.

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.)