

SL. 10
08.04.2026
Court No.19
BP

WPA 6469 of 2026

Tapodhan Senapati
-versus-
The State of West Bengal and others

Mr. Sanjoy Saha
Mr. Manoranjan Jana
Ms. Indrani Mukherjee
..for the petitioner

Ms. Amrita Pandey
..for the respondent nos. 8 and 11

Mr. Srinath Singha Roy
Mr. Somnath Mukhopadhyay
..for the State

Pursuant to a complaint made by the petitioner alleging unauthorised encroachment upon the Government road, a notice for removal of encroachment under Section 10(1) of the West Bengal Highways Act, 1964 was issued. Since the encroachment was not removed within the time limit indicated in the said notice, the matter was thereafter forwarded to the Sub-Divisional Officer/Executive Magistrate under Section 10(2) of the 1964 Act. The Sub-Divisional Officer thereafter passed an order for removal of encroachment in exercise of powers under Section 10(3) of the 1964 Act.

Being aggrieved by the order passed under Section 10(3) of the 1964 Act the private respondents have preferred an appeal under Section 10(4) of the 1964 Act before the District Magistrate and Collector, Paschim

Medinipur. Since an order of demolition was staring at the face of the private respondents, they approached the Co-ordinate Bench by filing a writ petition being WPA 29218 of 2025 and the Co-ordinate Bench passed an order dated 9th January, 2026 recording the submission of the respondent authorities that the possession of the petitioners therein/private respondents herein will not be disturbed till the disposal of the appeal. Taking note of the submission of the respondent authorities, the Co-ordinate Bench observed that no further order can be passed in the writ petition.

It is not the allegation of the private respondents that in spite of the order dated 9th January, 2026 the authorities are taking steps to disturb the possession of the private respondents.

The only grievance of the petitioner is that appeals filed by the private respondents under Section 10(4) of the 1964 Act sometimes in the month of December, 2025 has not yet been disposed of. Since the appeal arises out of an order directing removal of encroachment from a Government road, this Court feels that such appeal should be decided expeditiously.

The learned advocate appearing for the State submits that six weeks time may be granted to the second respondent to dispose of the appeals filed under Section 10(4) of the 1964 Act.

In the light of the submissions made by the learned advocates for the respective parties, WPA 6469 of 2026 stands disposed of by directing the District Magistrate and Collector, Paschim Medinipur being the 2nd respondent to fix a date of hearing of the appeals preferred by the private respondents and/or any other encroacher from the order passed under Section 10(3) of the 1964 Act dated 25th November, 2025 and to dispose of such appeals as expeditiously as possible but positively by the end of the month of May, 2026 without granting any unnecessary adjournments to either of the parties. The reasoned order shall be communicated to the respective parties within the time limit mentioned hereinbefore. It is, however, made clear that this Court has not entered into the merits of the challenge thrown by the private respondents to the order passed under Section 10(3) of the 1964 Act which is under challenge in the appeal under Section 10(4) of the 1964 Act and all points are left open to be decided by the 2nd respondent in accordance with law.

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.)