

03.07.2026
Item No.05
Ct. No. 19
PG

CPAN 1667 of 2025
in
WPA 3500 of 2024
Sk. Ahmadullah Asad
Vs.
Mr. Rupak Nandi,
The Assistant Engineer, Public Works
Department (PWD) Roads,
Howrah Highway Division & Ors.

Mr. Goutam Dinda
Mr. Sandip Ray.....for the petitioner

Mr. Ranajit Talukdar
Ms. Sabita Roy
Mr. Partha Sarathi Boyal
.....for the alleged contemnor nos. 1 & 2
Mr. Sabir Ahmed
Mr. Quazi Ezaz Ahmed.....for the alleged contemnor
no.3

1. The writ petitioner, alleged contemnor nos. 1 and 2 and alleged contemnor no. 3 are represented by their respective learned counsel.
2. On behalf of the alleged contemnor nos. 1 and 2, a report of compliance dated 18.06.2026 is filed and the same is taken on record.
3. Learned advocate for the alleged contemnor nos. 1 and 2 has supplied a copy of the said report dated 18.06.2026 to the learned advocate for the writ petitioner as well as to the alleged contemnor no. 3.
4. In course of hearing, Mr. Ray draws attention of this Court to the order dated 29.04.2025. It

is submitted by Mr. Ray that though in compliance of the said order dated 29.04.2025, a reasoned order has been passed but the alleged contemnor no.1 has not proceeded thereafter in accordance with the provisions of section 10 of the West Bengal Highways Act, 1964 ('Act of 1964' in short).

5. Mr. Talukdar, learned advocate appearing on behalf of the alleged contemnor nos. 1 and 2, in course of his submission draws attention of this Court to page nos. 34 and 35 of the report, as filed today. It is submitted by Mr. Talukdar that on perusal of the copy of the memo dated 05.06.2026, it would reveal that the alleged contemnor no. 1 has requested the jurisdictional Sub-Divisional Officer to take appropriate steps for removal of the encroachment in terms of the reasoned order, as passed by him.
6. It is, thus, submitted by Mr. Talukdar there was sufficient compliance on the part of the alleged contemnor no. 1 of the order dated 29.04.2025.
7. Learned advocate appearing on behalf of the alleged contemnor no. 3 supports the contention of Mr. Talukdar. It is submitted that from the said memo dated 05.06.2026, it

would reveal that the jurisdictional Sub-Divisional Officer was requested to remove the encroachment. However, on being asked, Mr. Quazi Ezaz Ahmed, learned advocate for the alleged contemnor no. 3 submits before this Court that encroachment has not yet been removed.

8. Mr. Ray in his reply, submits before this Court that unless the encroachment is fully removed, by no stretch of imagination, it can be said that there was sufficient compliance on the part of the alleged contemnor nos. 1 and 2 in connection with the order dated 29.04.2025.
9. On careful perusal of the entire materials, as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds that after passing of the reasoned order, the alleged contemnor no. 1 being the Assistant Engineer, Uluberia Highway Sub-Division proceeded in accordance with the provisions of section 10 of the Act of 1964 and issued a memo to the jurisdictional Sub-Divisional Officer for removal of the encroachment in terms of such reasoned order.

10. In view of such, this Court finds that there was sufficient compliance on the part of the alleged contemnor no. 1.
11. With the aforementioned observations, the instant contempt application is disposed of.
12. Before parting with, it is, however, made clear that disposal of the contempt application will not prevent the Sub-Divisional Officer, Uluberia Sub-Division, Uluberia, Howrah to remove the encroachment pursuant to the reasoned order dated 27.04.2026 in accordance with law.
13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(PARTHA SARATHI SEN, J.)