

30.01.2026
Item No.857 (DL)
Court No.551
A.J.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 26263 of 2025

Chandidas Mondal

-Vs-

The State of West Bengal & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Ms. Bipasha Bhattacharyya.
...for the petitioner.

Mr. Md. Nure Zaman.
.....for the State.

1. Affidavit of service filed on behalf of the petitioner be kept with the record.

2. This writ petition has been filed seeking expeditions disposal of Case No.03/Eviction/H.W./SDO/D.H. of 2025-26 initiated by the Executive Magistrate, Diamond Harbour, South 24-Parganas.

3. Learned Advocate appearing for the petitioner submits that upon an order dated November 04, 2024 being passed by a co-ordinate Bench of this Court in WPA 82 of 2024, an inspection was conducted whereafter the aforesaid proceedings were initiated under Section 10(3) of the West Bengal High Ways Act, 1964 (hereafter 'the said Act of 1964) by the Executive Magistrate, Diamond Harbour. Such proceedings have not yet been concluded.

4. Learned Advocate appearing for the State respondents submits that the said proceedings are under way and that necessary physical inspections are required to be undertaken wherefor the proceedings could not be concluded.

5. Heard learned Advocate appearing for the respective parties and considered the materials on record.

6. It is evident from the writ petition that the Executive Magistrate, Diamond Harbour, South 24 Parganas had issued a hearing notice dated July 07, 2025 scheduling the hearing on July 16, 2025. However there is nothing to show any progress thereafter. The aforesaid notice appears to be the last in line beginning from May 07, 2025 (Annexure P5 at page 36 of the writ petition). Since the said proceedings have been initiated upon an order dated November 04, 2024 being passed by this Court in WPA 82 of 2024 and sufficient time has elapsed since then, it is expected that the respondent State Authorities especially the Executive Magistrate concerned would take appropriate steps to ensure that the proceedings initiated under Section 10(3) of the said Act of 1964 are concluded as expeditiously as possible preferably within two months from the date of communication of this order.

7. Needless to mention that the concerned Executive Magistrate shall afford an opportunity of hearing to all interested parties before passing the final order in the said proceedings.

8. WPA 26263 of 2025 stands disposed of with the above observations. No costs.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)