

Sl.9  
07.01.2026  
Court No.19  
BP

WPA 29705 of 2025

Sabir Hossen Miya  
-versus-  
The State of West Bengal & Ors.

Mr. Pankaj Halder  
Ms. Dipannita Laha  
..for the petitioner

Mr. Chandi Charan De, Ld. Addl. Govt. Pleader  
Ms. Chandana Ghosh  
..for the State

The petitioner made a complaint before the concerned authority alleging that the private respondents have encroached upon the PWD road. Pursuant to an order passed by a Co-ordinate Bench on 6<sup>th</sup> February, 2024 in WPA 20039 of 2023 the concerned jurisdictional Executive Magistrate passed an order under Section 10(3) of the West Bengal Highways Act on February 24, 2025. The petitioner states that challenging the said order of the Executive Magistrate dated February 24, 2025 the private respondents have preferred an appeal under Section 10(4) of the West Bengal Highways Act, 1964. The petitioner further states that the appeal was heard on several occasions and lastly on 5<sup>th</sup> May, 2025.

The grievance of the petitioner is that till date the reasoned order has not been communicated by the concerned District Magistrate. The petitioner has prayed for a direction upon the concerned District Magistrate to dispose of the statutory appeal expeditiously.

Mr. De, learned Additional Government Pleader submits that the appeal will be disposed of within the time limit as may be fixed by this Court.

In the light of the submissions made by the learned advocate for the respective parties and taking note of the fact that the appeal under Section 10(4) of the West Bengal Highways Act challenging an order of removal of encroachment from the PWD road is pending for a long time, this Court is of the considered view that the ends of justice would be sub-served if the concerned District Magistrate is directed to dispose of the said appeal expeditiously.

In view thereof, WPA 29705 of 2025 stands disposed of by directing the District Magistrate, 24 Parganas (South) being the 2<sup>nd</sup> respondent to dispose of the appeal preferred by the private respondents herein under Section 10(4) of the West Bengal Highways Act, 1964 challenging the order dated February 24, 2025 passed under Section 10(3) of the 1964 Act as expeditiously as possible but positively by the end of March, 2026. In the event the said respondent authority feels that any further hearing is to be conducted, a date for such hearing shall be fixed and the parties are to be intimated of such date of hearing forthwith and the appeal shall be disposed of within the aforesaid time limit.

It is, however, made clear that this Court has not entered into the merits of the claims and counter-claims

of the respective parties and has only directed expeditious disposal of a statutory appeal.

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.)**