

M/L- 14
05/01/2026
Ct. No.-19
Aritra

WPA 29644 of 2025

**Sushanta Pattanayak & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Kushal Chatterjee
Mr. T.K. Mahapatra
Mr. Debrup Choudhury

....for the petitioners

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal

....for the State

Affidavit of service filed in Court today is taken on record.

The petitioners have preferred an appeal under Section 10 (4) of the West Bengal Highways Act, 1964 (in short 'the 1964 Act') challenging the order dated November 25, 2025 passed by the Sub-Divisional Magistrate, Tamluk, Purba Medinipur under Section 10 (3) of the 1964 Act.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that though the appeal under Section 10(4) of the 1964 Act has been filed on December 19, 2025, the said appeal has not yet been taken up for hearing. He further submits that the respondents authorities are taking steps to demolish the construction made by the petitioners by keeping the appeal pending.

The learned advocate appearing for the State submits that the appeal shall be taken up for hearing and disposed of within a period of fortnight from this date.

The learned advocate appearing for the State submits that the appellate authority has not been a party respondent in this writ petition.

Faced with such situation the learned advocate for the petitioner prays for leave to add the District Magistrate, Purba Medinipur being the appellate authority as a party respondent in this writ petition.

Although State is represented by the learned advocates, no copy of the amended writ petition is required to be served upon the added respondent. However, the learned advocate on record of the petitioner shall be obliged to serve a copy of the amended cause title of the writ petition upon the learned advocate for the State by tomorrow (06/01/2026).

Leave is granted to the learned advocate on record of the petitioner to carry out the necessary amendment, here and now.

In the light of the submissions made by the learned advocates for the respective parties and keeping in mind the fact that the petitioners have preferred an appeal under Section 10(4) of the 1964 Act challenging an order passed under Section 10(3) of the 1964 Act directing removal of the encroachment, this Court is of the view that the said appeal should be disposed of expeditiously.

Accordingly, WPA 29644 of 2025 stands disposed of by directing the District Magistrate of Purba Medinipur being the added respondent herein to take up the hearing of the appeal filed by the petitioners on December 19, 2025 challenging the order of the Sub-Divisional Magistrate, Tamluk, Purba Medinipur under Section 10 (3) of the 1964 Act and to dispose of the same by passing a reasoned order in accordance with law, which shall be communicated to the petitioners and the private respondents as expeditiously as possible but positively on or before January 21, 2026.

There shall be an order of stay of operation of the order dated November 25, 2025 till the communication of the reasoned order to be passed by the added respondent.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)