D/L- 7
10/04/2026
Ct. No.-19
Aritra

WPA 8667 of 2026

Basudeb Roul
Vs.
The State of West Bengal & Ors.

Mr. Kaushik Dey
Mr. Dip Jyoti Chakrabarty
Mr. Chitrak Biswas
....for the petitioner

Mr. Lalit Mohan Mahata, AGP
Mr. Himadri Kr. Mahata
....for the State

Mr. Manoranjan Jana
Ms. Mitali Jana
....for the private respondent

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

The order of the District Magistrate, Paschim Medinipur dated March 23, 2026 passed under Section 10(4) of the West Bengal Highways Act, 1964 is under challenge in this writ petition at the instance of an alleged encroacher.

Mr. Dey, learned advocate appearing for the petitioner draws the attention of the Court to the notification dated August 11, 2015 in support of his contention that Contai-Belda road falls within the Kharagpur Division of the Public Works Department and the Executive Engineer Kharagpur Divisoin are having the jurisdiction over the said road as a Highway Authority.

Mr. Dey thus submits that Contai-Belda road does not fall within the Midnapur Division of the Public Works Department. He further submits that after bifurcation of

the Jhargram District, the Midnapur Division of the PWD consists of four (4) sub-divisions, one of which is Kharagpur Sub-Division, PWD. Mr. De submits that though the Contai-Belda road, which is the subject matter of dispute in this writ petition, falls within the jurisdiction of Kharagpur Division PWD and not Midnapur Division PWD, one of the jurisdictional Assistant Engineer of Kharagpur Sub-Division initiated the proceeding under Section 10 of the West Bengal Highways Act, 1964. He submits that since the road in question falls within the Kharagpur Division and not under Midnapur Division, the Assistant Engineer of Kharagpur Sub-Division could not have initiated a proceeding under Section 10 of the 1964 Act in the case on hand.

After going through the materials disclosed in the writ petition, more particularly the notification dated August 11, 2015, and the reply furnished pursuant to an information sought for under the provisions of Right to Information Act, 2005 dated August 30, 2024, it *prima facie* appears to this Court that the Contai-Belda road falls within the Kharagpur Division, PWD and not Midnapur Division, PWD.

Mr. Mahata, learned Additional Government Pleader seeks time to assist this Court as to whether after bifurcation of the Jhargram District, the Contai-Belda road falls within the jurisdiction of the Assistant Engineer, Kharagpur Sub-Division, PWD, or not.

Mr. Mahata, learned Additional Government Pleader is further requested to take instruction as to under which sub-division the portion of the Contai-Belda road, which is the subject matter of dispute in this writ petition falls.

Since a *prima facie* case has been made out, this Court is inclined to pass an interim order.

At this stage, Mr. Mahata, learned Additional Government Pleader assures this Court that no coercive steps shall be taken against the petitioner pursuant to the order under challenge till the writ petition is disposed of. Such submission is placed on record.

List this matter on May 13, 2026 under the heading "For Orders".

(Hiranmay Bhattacharyya, J.)