

M/L- 43
09/06/2026
Ct. No.-19
Aritra

WPA 10947 of 2026

**Somnath Roy
Vs.
The State of West Bengal & Ors.**

Mr. Atis Kumar Biswas
Mrs. Jyoti Agarwal

....for the petitioner

Mr. Nilanjan Bhattacharyya, S.S.C.,
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee

....for the State

Mr. Timir Baran Saha

....for the respondent no.13

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

Mr. Bhattacharyya, learned Senior Standing Counsel, who usually represents the State is present in Court and is requested to appear in this matter.

Let the appointment of Mr. Bhattacharyya along with a junior of his choice be regularised by the concerned authority.

A copy of the writ petition has been served upon Mr. Bhattacharyya in course of hearing of this writ petition.

The petitioner has challenged the order passed by the Sub-Divisional Magistrate, Tehatta, Nadia, under Section 10 (3) of the West Bengal Highways Act, 1964.

Mr. Bhattacharyya, learned Senior Standing Counsel raises an objection as to the maintainability of this writ petition in view of the availability of an alternative efficacious remedy by way of an appeal under Section 10 (4) of the 1964 Act.

Faced with such situation, the learned advocate for the petitioner submits that the petitioner has filed the instant writ petition as there has been gross violation of principles of natural justice. He submits that the work of demarcation was carried out behind the back of the petitioner and no copy of the demarcation report was also supplied to the petitioner prior to the hearing fixed before the Sub-Divisional Magistrate.

Mr. Bhattacharyya, learned Senior Standing Counsel seeks time to take instruction on the aforesaid submissions.

It *prima facie* appears to this Court that there has been violation of the principles of natural justice.

For such reason this Court is inclined to entertain this writ petition.

List this matter tomorrow (i.e. June 10, 2026) to enable Mr. Bhattacharyya to revert back with necessary instruction.

(Hiranmay Bhattacharyya, J.)