

April 2, 2026
Sl. No.12
Court No.236
s.biswas

CPAN 2011 of 2025
In
WPA 10034 of 2024

Bidyut Kumar Sardar
vs.
Tamaghna Kar, The Sub-Divisional Officer,
Alipore Sadar

Mr. Anindya Lahiri, Sr. Adv.
Ms. Pranati Das
... for the applicant/petitioner

1. At the time of hearing, learned counsel appearing on behalf of the writ petitioner draws attention of this court to the copy of the order dated 16.05.2025 as passed by this court in WPA 10034 of 2024. It is submitted that that the server copy of the order was duly communicated upon the alleged contemnor who has received the same.
2. In course of her submission, learned counsel for the writ petitioner has also filed a copy of the Memo dated 09.12.2025 addressed to the petitioner, wherefrom it reveals that the alleged contemnor after receipt of the copy of the order dated

16.05.2025, passed an order dated 18.06.2025, which is as under:

“Pranati Das, Ld. Advocate, High Court Calcutta has submitted an order dated 16.05.2025 passed by Partha Sarathi Sen, Hon’ble Justice, Calcutta High Court in the matter of WPA 10034 of 2024 (Bidyut Kumar Sardar vs. The State of West Bengal)

Perused and considered the provision of 10(1) of the West Bengal Highways Act, 1964 which reads as under:

If any person –

- a) Is found to have made an encroachment on any road, street, path, way or land which is declared to be a highway under sub-section(1) of Section 3, or*
- b) Makes an encroachment on a highway in contravention of the provisions of Section 8, or*
- c) Does not remove an encroachment on the expiry or cancellation of any permit granted to him.*

The Highway Authority or any officer authorized by him in this behalf shall serve a notice on him requiring him to remove the encroachment and restore the highway to its original condition within the period specified in the notice.

Now after careful consideration of the records as well as facts, the District Engineer, South 24 Parganas Zilla Parishad by himself or by any officer authorized by him in this behalf is hereby directed to initiate the proceeding under Section 10(1) of the West Bengal Highway Act, 1964 in order to remove the encroachment and restore the highway and/or ‘government road’ to its original condition. The entire procedure is to be completed within 45 working days from the date of communication of the order.”

3. On perusal of the aforementioned order dated 18.06.2025 as passed by the alleged contemnor, it appears to this court that the alleged contemnor in the spirit of the order dated 16.05.2025 more specifically paragraph 11 therein directed the District Engineer, South 24 Parganas Zilla Parishad to initiate a proceeding under Section 10(1) of the West Bengal Highways Act, 1964 either by himself or by any officer authorized by him in his behalf for removal of the encroachment and for restoration of the highway and/or government road to its original condition.
4. It is further submitted on behalf of the petitioner that as on this day, no effective steps have been taken by the District Engineer, South 24 Parganas Zilla Parishad.
5. In view of such, this court requests the learned counsel for the petitioner to add the person as alleged contemnor no.2 in the cause title of the instant contempt application who is presently holding the

post of District Engineer, South 24 Parganas Zilla Parishad.

6. Considering the entire materials as placed before this court, this court further directs that let notice be issued upon both the contemnors along with copy of the instant contempt application by speed post and to file affidavit of service on the adjourned day.
7. Let this matter be listed for further consideration in the week commencing from May 4, 2026 under the same heading.

(Partha Sarathi Sen, J.)