

24.12.2020
Sl. No.15
srm

C.O. No. 1650 of 2020

Md. Joynal Abedin

Vs.

The State of West Bengal & Anr.

Mr. Subir Sanyal,
Md. Karim Warsi,
Mr. Asif Dewan,
Md. Rahim Warsi,
Ms. Arpita Mondal,
Ms. Sumouli Sarkar,
Md. Kutubuddin

...for the Petitioner.

The petitioner has filed this application praying for expeditious disposal of the Misc. Appeal No.159 of 2016 along with the application for police help filed in connection therewith pending before the learned Additional District Judge, Fast Track, 4th Court at Diamond Harbour, South 24-Parganas.

The petitioner prays for expeditious disposal of the said appeal along with the application for police help and all pending applications on the ground that taking advantage of the pendency of the appeal, construction is being carried on by the defendant No.2.

This Court finds that on an earlier occasion, a co-ordinate Bench of this Court by an order dated November 19, 2018 had directed the learned Additional District Judge, 4th Court (Fast Track) at Diamond Harbour to dispose of the Misc. Appeal within a period of four weeks from the date of

communication of the order. Since 2018 the said appeal is pending and the same has not been disposed of.

Under such circumstances, without making any observations on the claims of the petitioner and without going into the merits of the case, this revisional application is disposed of with a direction upon the Additional District Judge, 4th Court (Fast Track) at Diamond Harbour, South 24-Parganas and/or the Judge In-charge of the said Court, if the said Court is vacant, to dispose of Misc. Appeal No.159 of 2016 along with all the pending applications upon affording an opportunity to all concerned to contest the proceeding mandatorily within a period of one month from the next date fixed.

Needless to mention that the learned Court below will decide the matter independently and in accordance with law.

The learned Advocate-on-record for the petitioner is directed to serve copies of this revisional application upon the opposite parties along with a server copy of this order within a period of four days from date.

This revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)