

12.08.2021.
Item No. 91.
Court No.13
ap

**W.P.A. No. 12648 of 2021
(Through Video Conference)**

**Susanta Kumar Das
Versus
The State of West Bengal & Ors.**

Mr. Kumar Jyoti Tewari,
Mr. Rwitendra Banerjee,
Mr. Devdutta Pathak.

..For the petitioner.

Despite notice, the State is not represented.

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

The petitioner, aggrieved by an order dated 29th
July, 2021 passed by the Sub-Divisional Magistrate,
Ghatal under the provisions of Section 10(3) of the
West Bengal Highways Act, 1964 has preferred an
appeal before the District Magistrate, Paschim
Medinipore.

The subject matter of this writ application is an
unauthorized construction being effected by the
petitioner on the lands belonging to the P.W.D. The
Sub-Divisional Officer has clearly found against the
petitioner and has held that the construction by the
petitioner is an unauthorized one and on public land.

In that view of the matter, the prayer made by
the petitioner for staying construction, pending
consideration of the appeal, cannot be entertained.

It is, however, directed that the aforesaid appeal be disposed of by the District Magistrate, Paschim Medinipore within a period of one month from the date of communication of a copy of this order.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)