

07.09.2021.
Item No. 131.
Court No.13
pk

**W.P.A. No. 13088 of 2021
(CAN 1 of 2021)
(Through Video Conference)**

**Radhagobinda Das & others
Versus
State of West Bengal & Ors.**

Mr. Swarup Pal,
Mr. Tarapada Das

...for the petitioners.

Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick

...for the State.

Mr. Bharat Chandra Simai

... for the respondent nos. 12 and 13.

The writ petitioners are aggrieved by an order dated 14th July, 2021. By the said order an appeal that was directed to be considered under Section 10(4) of the West Bengal Highways Act, 1964 in terms of the order passed in W. P. A. No. 179 of 2019 was dismissed for default. The reasons for dismissal have been set out in detail by the office of the District Magistrate, Purba Medinipur.

This Court otherwise finds no reason to interfere with the same. However, for the ends of justice and upon payment of costs assessed at Rs.10,000/- to the private respondents and a sum of Rs.15,000/- to the office of the District Magistrate, Purba Medinipur, the order dated 14th July, 2021 shall be kept in abeyance.

The writ petitioners' Appeal No. 1 of 2020 that was dismissed as per the impugned order shall stand revived and shall be taken up by the District Magistrate, Purba Medinipur on 16th September, 2021 at about 11 a.m.

It is made clear that no adjournment whatsoever shall be given to any party. In default of, appearance of the writ petitioner or payment of costs, the order of dismissal dated 14th July, 2021 shall stand revived and become absolute. In the absence of the private respondents before the concerned District Magistrate, orders shall be made ex parte.

All points raised by the respective parties shall be considered.

A reasoned order may be passed by the District Magistrate, Purba Medinipur within a period of one month thereafter and the same may be communicated to the parties within seven days thereof.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)

