

22.08.2022
rc/ct.no.10
Item No.UL

WPA No. 18892 of 2022
Ashutosh Panda & Ors.
Versus
The State of West Bengal & Ors.

Mr. Siddhartha Banerjee
Mr. Balaram Pandit ...for the petitioners

Mr. Anirban Ray
Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag ...for the State

An order under Section 10(3) of the West Bengal Highways Act, 1964 (hereinafter referred to as “the Act”) was passed by the Sub-Divisional Magistrate, Egra on August 05, 2022 and communicated to the petitioners on August 17, 2022.

The innocuous prayer of the petitioners is for an opportunity to prefer an appeal under Section 10(4) of the Act before the appellate forum and for a direction upon the competent authority not to take any coercive steps in terms of the order dated August 05, 2022 in the meantime.

It is submitted by the learned counsel appearing on behalf of the State-respondents that the petitioners may prefer a statutory appeal before the appropriate forum within 15 days from the date of communication of the order i.e. August 17, 2022 in terms of Section 10(4) of the Act.

On consideration of the submission made by the learned counsels appearing on behalf of the parties the

writ petition is disposed of with liberty to the petitioners to prefer statutory appeal before the appropriate forum under Section 10(4) of the Act within 15 days from the date of communication of the order i.e. August 17, 2022.

Pending institution of the appeal let there be no coercive action taken in terms of the order dated August 05, 2022 in respect of the plot in question by the concerned authority/State-respondents.

With the above observations and directions this writ petition is disposed of.

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

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

The parties are at liberty to act on the server copy of this order uploaded in the official website of the High Court at Calcutta.

(Suvra Ghosh,J)