

WPA 19432 of 2022

Purba Gabberia Naba Shakti Sangha & Anr.
Vs.
The State of W.B. & Ors.

Mr. Rajdeep Bhattacharya ...for the petitioners.

Mr. Chandi Charan De
Mr. Haripada Maity ...for the State.

Mr. Shamim Ul Bari
Mr. Raju Mondal ...for the respondent No.10.

Documents filed in Court by the petitioners are taken
on record.

Heard learned counsels for the parties.

Pursuant to an earlier order passed by this Court,
proceeding under Section 10 of the West Bengal
Highways Act, 1964 was initiated by the State
respondents against the petitioners.

During pendency of the writ petition order under
Section 10(3) of the Act has been passed by the Sub-
Divisional Magistrate and Sub-Divisional Officer,
Baruipur, South 24 Parganas on 3rd November, 2022.

The petitioners seek liberty to prefer an appeal under
Section 10(4) of the Act of 1964 against the said order.

Upon consideration of the submission made on
behalf of the parties, this Court is of the view that since
the order under Section 10(3) of the Act is appealable, the

petitioners may be granted liberty to prefer such statutory appeal against the said order.

Accordingly, the writ petition is disposed of with liberty to the petitioners to prefer an appeal under Section 10(4) of the Act of 1964 against the order passed under Section 10(3) of the Act within seven days from date before the 2nd respondent. The 2nd respondent is directed to consider and dispose of the appeal within one month from the date of receipt thereof, in accordance with law.

Pending disposal of the appeal, no coercive step shall be taken by the State respondents against the petitioners in respect of the plot in question.

With the above observations and directions the writ petition being WPA 19432 of 2022 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)