

WPA 20420 of 2021

Arun Mondal
Vs.
The State of West Bengal & Ors.

Ms. Rama Halder,
Mr. Sanatan Panja,

...for the petitioner.

Mr. Chandi Charan De,
Ms. Reshmi Rahman,

...for the State.

It is not in dispute that an appeal has been preferred by the petitioner under Section 10(4) of the West Bengal Highways Act, 1964 which is pending.

The petitioner complains that the date of demolition has been fixed on 24th February, 2022 despite pendency of the appeal.

Mr. De, learned advocate for the State respondents, in his usual fairness, submits that the State has no authority to cause demolition during the pendency of an appeal under Section 10(4) of the Act of 1964.

In view of the same, the writ petition is disposed of with a direction of status quo upon both the parties in respect of nature, character and possession of the land as on this date till disposal of the appeal.

With such direction, WPA 20420 of 2021 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.)