

WPA 22346 of 2022

Santanu @ Susanta Bhowmik
Vs.
The State of W. B. & Ors.

Mr. Soumik Ganguly
Mr. Lalratan Mondal
Mr. D. K. Sadhu ...for the petitioner.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Affidavit of service and supplementary affidavit filed on behalf of the petitioner are taken on record.

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on 28th January, 2022 in WPA 18844 of 2021 proceeding under Section 10 of the West Bengal Highways Act, 1964 was initiated against the petitioner and an order passed under Section 10(3) of the Act. The petitioner preferred an appeal against the said order under Section 10 (4) of the Act.

It is submitted on behalf of the petitioner that during the pendency of the said appeal, the State respondents are taking necessary steps for demolishing the structures of the petitioner standing on the plot in question.

The petitioner prays for a direction upon the authority to refrain from such demolition till the appeal is disposed of.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that the respondents should be restrained from taking consequential steps under Section 10(3) of the Act of 1964 till the appeal under Section 10(4) of the Act of 1964 is disposed of.

In view of the above, the writ petition is disposed of directing the 2nd respondent to dispose of the appeal pending before it under Section 10(4) of the Act of 1964 as expeditiously as possible.

Pending disposal of the appeal, the respondents are restrained from taking any coercive action against the petitioner in respect of the plot in question.

With the above observations and directions, the writ petition being WPA 22346 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.)