

SK. SALAUDDIN AYUBI & ORS.VS. STATE
OF WEST BENGAL & ORS.

Mr. Chandradoy Roy
 ..for the petitioners
Mr. Partha Pratim Roy
Mr. Nilanjan Adhikari
 ..for the respdt.7
Mr. Amit Kumar Ghosh
 ..for the State

The principal grievance of the petitioners is that though the appeal under Section 10(4) of the West Bengal Highways Act, 1964 has been filed as far back as in the month of September, 2022 but the same is still pending.

Mr. Chandradoy Roy, learned advocate for the petitioners submits that no date of hearing has also been fixed by the respondent no.2, i.e. the District Magistrate, Purba Medinipore.

Mr. Partha Pratim Roy, learned advocate appears for the respondent no.7 and submits that the directions may be passed upon the respondent no.2 to dispose of the appeal expeditiously.

None appears for the State.

Mr. Amit Kumar Ghosh, learned advocate, who usually represents the State is present in Court and is requested to appear in this matter. Let his appointment be regularized.

Since the appeal under Section 10(4) of the said Act, 1964 challenging the order dated September 7, 2022 passed under the provisions of Section 10(3) of the said Act is pending, the District Magistrate, Purba Medinipore, the respondent no.2 herein, is directed to fix a date for hearing of this appeal and serve the notice of hearing to the respective parties within a period of 10(ten) working days from this date. The said respondent shall ensure that the appeal is disposed of in accordance with law by the end of November, 2022.

The order of the Sub-Divisional Magistrate, Tamluk, Purba Medinipore dated September 7, 2022 shall remain stayed till the disposal of the appeal or till the end of November, 2022, whichever is earlier.

The petitioner is directed to serve a copy of this writ petition upon Mr. Amit Ghosh forthwith.

With the above directions, W.P.A.22433 of 2022 stands disposed of.

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

Parties are directed to act on the server copy of this order.

(Hiranmay Bhattacharyya, J.)

