

27
09.11.2022
Ct. No.10
b.das

WPA 22998 of 2022

Nabiul Islam
Vs.
The State of W.B. & Ors.

Mr. P. P. Roy
Mr. Sarbananda Sanyal ...for the petitioner.

Mr. Chandi Charan De
Ms. R. Rahaman ...for the State.

Md. Abdur Rakib
Mr. J. I. Hossain ...for the respondent Nos. 7 & 8.

On prayer of the petitioner, liberty is granted to the petitioner to implead the District Magistrate and Collector, Murshidabad as respondent No.9 in the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on 19th November, 2019 in WP 20822 (W) of 2019 proceeding under Section 10 of the West Bengal Highways Act, 1964 was initiated against the private respondents and subsequent order passed by this Court on 16th December, 2021 in WPA 7728 of 2020 demonstrates that notice under Section 10(3) of the Act of 1964 was served upon the private respondents, who were granted liberty to approach the appropriate forum under Section 10(4) of the Act.

It appears that the private respondents have filed an appeal before the District Magistrate and Collector, Murshidabad under Section 10(4) of the Act of 1964 on 28th December, 2021 which is still pending.

In view of the present circumstances, the petitioner prays for a direction upon the appellate authority to dispose of the appeal within a stipulated time frame.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the appeal under Section 10(4) of the Act of 1964 is pending, the said appeal be directed to be disposed of within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 9th respondent to consider and dispose of the appeal filed by the private respondents under Section 10(4) of the Act of 1964 as expeditiously the business of his office permits, preferably within a period of two months from the date of communication of this order, in accordance with law.

With the above observations and directions, the writ petition being WPA 22998 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.)