

November 21, 2022
ARDR
(33 & 34)

WPA 23110 of 2022

Ajay Kar & Ors.
Vs.
The State of West Bengal & Ors.

With

WPA 20169 of 2022

Padmalochan Paria
Vs.
The State of West Bengal & Ors.

Adv. Siddhartha Sarkar,
...for the petitioners in WPA 23110/22 and for the
respondent nos. 11 to 17 in WPA 20169/22.
Adv. Bharat Chandra Simai,
Adv. Sanchayita Das,
...for the petitioner in WPA 20169/22 and for the private
respondent in WPA 23110/22.
Adv. Jahar Dutta,
Adv. Bipin Ghosh,
...for the State in WPA 23110/22.
Adv. Ashim Kumar Ganguly,
Adv. Joydip Banejee,
...for the State in WPA 20169/22.

On prayer of the petitioners, liberty is granted to
correct the cause title of the writ petition being WPA 23110
of 2022 and record the name of the District Magistrate,
Paschim Medinipur as respondent no.6 instead and in
place of respondent no.7.

Heard learned counsels for the parties.

It is submitted on behalf of both the parties that
pursuant to an earlier order passed by this Court
proceeding under Section 10 of the West Bengal Highways
Act, 1964 was initiated by the concerned authority and an

order has been passed under Section 10(3) of the Act of 1964.

Learned counsel for the petitioners in WPA 23110 of 2022 submits that no opportunity of hearing was granted to the petitioners in the proceeding under Section 10(3) of the Act and order under Section 10(3) was also not served upon the petitioners, thereby depriving the petitioners from approaching the authority under Section 10(4) of the Act.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the petitioners in WPA 23110 of 2022 intend to file an appeal under Section 10(4) of the Act of 1964 before the District Magistrate, Paschim Medinipur, being the 6th respondent herein, such liberty be granted to the petitioners in the interest of justice.

In view of the above, the writ petition being WPA 23110 of 2022 is disposed of with liberty to the petitioners to prefer an appeal under Section 10(4) of the Act of 1964 before the 6th respondent within seven days from date. The 6th respondent is directed to dispose of the appeal in accordance with law within one month from date of receipt thereof.

Pending disposal of the appeal under Section 10(4) of the Act of 1964, no coercive action shall be taken by the respondents against the petitioners in respect of the plot in question.

Since the State respondents have taken necessary steps under Section 10 of the West Bengal Highways Act,

1964 the writ petition being WPA 20169 of 2022 has become infructuous and is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petitions are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)