

WPA 27077 of 2022

Kamaruzzaman Peada & ors.
Vs.
The State of West Bengal & Ors.

Adv. Masud Karim,
Adv. Abhijit Chatterjee,
Adv. Galib Ahsan,

...for the petitioners.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

Heard learned counsels for the parties.

The grievance of the petitioners is that though the petitioners have preferred an appeal under Section 10(4) of the West Bengal National Highways Act, 1964 against an order passed under Section 10(3) of the Act, which is pending, the State respondents are bent upon demolishing the construction made in the plot in question. Learned counsel seeks direction upon the respondents to dispose of the appeal within a stipulated time frame and not to proceed with the demolition during pendency of the appeal.

Learned counsel for the State respondents, in his usual fairness, submits that the appeal be directed to be disposed of within a stipulated time frame, in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of

the appeal pending before him under Section 10(4) of the Act of 1964 within two months from the date of communication of this order upon hearing all the interested persons including the petitioners, in accordance with law.

Pending disposal of the appeal no coercive steps shall be taken by the State respondents against the petitioners in respect of the plot in question.

With the aforesaid directions, the writ petition being WPA 27077 of 2022 is disposed of. There shall however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)