

Ct. 05
Item No.25
23.12.2022
(Suvendu)

WPA 27958 of 2022

**Chandi Charan Ojha & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Sourav Prasanna Mukherjee
.....for the petitioners
Mr. Prantik Garai
.....for the State

The affidavit of service is taken on record.

The petitioners seek a stay of an order and notice dated 2nd December, 2022 as communicated to the petitioners on 5th December, 2022 for personal appearance of the petitioners before the Sub-Divisional Magistrate, Tamluk, Purba Medinipur.

Learned counsel appearing for the petitioners submits that the petitioners were served with a similar Notice on 25th February, 2020 when the petitioners were able to show that the petitioners were not the encroachers.

The State is represented.

Upon perusing the documents, it appears that the petitioners have only been directed to appear before the concerned authority on 27th

December, 2022 at 12.30 p.m. for producing necessary documents for establishing the petitioners' claim. The Notice does not contain any threat for a specific measure which may be taken to the petitioners' prejudice. It is a Notice of hearing, simplicitor.

This Court is hence not inclined to interfere with the said Notice. The petitioners are at liberty to take all points before the concerned authority. Section 10 of the West Bengal Highways Act, 1962 also provides for statutory recourse against any order which may subsequently be passed against the petitioners.

WPA 27958 of 2022 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)