

22.05.2023
Ct. 7
D/L 08
ab/sb

WPA 6108 of 2023
With
CAN 01 of 2023 (not in file)

Rahul Mondal & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Gourab Das
Mr. Anamul Islam
Mr. Sourav Mukherjee

.....for the petitioners

Ms. Shabana Hasin
Mr. Mobaidur Hossain

.....for the applicant in CAN 01 of 2023

The petitioners have challenged an order dated 27th February, 2023 passed by the Sub-Divisional Magistrate (Sadar), Berhampore, Murshidabad under Section 10(3) of the West Bengal Highways Act, 1964 (for short, the 1964 Act).

Mr. Das, learned advocate appearing for the petitioners submits that he has already preferred a statutory appeal under the relevant provisions of the 1964 Act on 24th April, 2023 but till date the petitioners have not been communicated with the date of hearing.

Ms. Hasin, learned advocate appears for the applicant and submits that the said order under Section 10(3) of the 1964 Act was passed pursuant to

an order dated 30th January, 2023 passed by a co-ordinate Bench of this Court.

None appears for the State in spite of service.

Mr. Shamim Ul Bari, learned advocate, who usually represents the State, is present in Court and is requested to represent the State in this matter. Let the appointment of Mr. Bari be regularized.

Since the statutory appeal has been preferred under the provisions of the 1964 Act, this writ petition is disposed of by directing the District Magistrate, Murshiadabad to fix a date of hearing and to communicate the date of hearing to the petitioners as well as any other interested parties including the writ petitioners of *WPA 23776 of 2022 (Abbas Mondal @ Tanesur Mondal & Ors. vs. the State of West Bengal & Ors.)* and to dispose of the same within a period of four weeks from the date of communication of this order by passing a reasoned order.

The petitioners are left free to approach the Appellate Authority with any prayer for interim relief. If such prayer is made, the Appellate Authority shall consider the same in accordance with law.

(**Hiranmay Bhattacharyya, J.**)