

14.06.2023
rc/ct.no.10
Item No.18

WPA No. 6238 of 2023
Rukunuddin Molla & Ors.
Versus
The State of West Bengal & Ors.

Mr. Tapan Datta Ghosh
Mr. Parvej Anamfor the petitioners

Mr. Sounak Bhattacharya
Mr. Sounak Mondal ...for the respondent no. 5

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

On the prayer of the petitioners leave is granted to them to implead the District Magistrate, South 24-Parganas as respondent no. 6 in the writ petition. The cause title of the writ petition be amended accordingly.

Affidavit of service filed in Court today is taken on record.

The petitioners have challenged an order under Section 10(3) of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964"). The said order is amenable to appeal under Section 10(4) of the Act of 1964.

Learned counsel for the petitioners submits that an appeal under Section 10(4) of the Act of 1964 has been preferred before the learned District Magistrate, South 24-Parganas and the same is pending. Learned counsel seeks a direction upon the appellate forum to dispose of the appeal at the earliest.

In view of the above, the writ petition is disposed of directing the 6th respondent to consider and dispose of the appeal pending before him under Section 10(4) of the Act of 1964 as expeditiously as the business of the forum would permit, preferably within a period of one month from the date of communication of this order.

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 above observations and directions this writ petition is disposed of.

There shall be, however, 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)