

December 7, 2023
ARDR (481)

WPA 10582 of 2023

Mohan Singha & anr.
Vs.
The State of West Bengal & ors.

Adv. Nayeemuddin Munshi,
Adv. Tapan Kumar Mahapatra,
...for the petitioners.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

Affidavit of service filed by the petitioners is taken on record.

None appears for the 8th respondent despite service.

It is contended on behalf of the petitioners that the petitioners have preferred an appeal before the Commissioner (Medinipur Division, Purba Medinipur) against the order passed by the Sub-Divisional Officer, Contai on 10th April, 2023 directing the petitioners to vacate the property in question within three weeks from the date of the order and restore the property to its original status. The appeal is pending. The petitioners seek stay of the order dated 10th April, 2023 till disposal of the appeal.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the appeal preferred by the petitioners is pending before the 2nd respondent, the 2nd respondent be directed to consider and dispose of the appeal within one month from the date of communication of this order, in accordance with law.

The order passed by the Sub-Divisional Officer, Contai, being the 6th respondent herein, on 10th April, 2023 be stayed till disposal of the appeal.

With the above observations and directions the writ petition is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)