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18.09.2023
Ct. No.10
b.das

WPA 19585 of 2023

Mariyam Bibi & Anr.

Vs.

The State of W.B. & Ors.

Mr. Sarwar Jahan
Mr. Sayantan Hazra ...for the petitioners.

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

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

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that the petitioners preferred an appeal under Section 7(1)(a) of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 before the Commissioner, Medinipur Division, Paschim Medinipur against the order passed by the District Magistrate, Paschim Medinipur on 3rd March, 2023 which is pending before the appellate authority.

Learned counsel submits that during pendency of the appeal a notice has been issued by the Sub-Divisional Officer, Ghatal, Paschim Medinipur on 8th August, 2023 directing removal of encroachment from the plot in question. Learned counsel seeks a direction upon the appellate authority to dispose of the appeal within a stipulated time frame and a further direction restraining the Sub-Divisional Officer, Ghatal, Paschim Medinipur

from executing the order dated 8th August, 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 against the order dated 3rd March, 2023 is pending, the concerned authority be directed to dispose of the appeal within a stipulated time frame.

The writ petition is accordingly disposed of directing the 2nd respondent to dispose of the appeal within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

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

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.)