

312
20.09.2023
Ct. No.10
b.das

WPA 21739 of 2023

Amit Kumar Halder & Anr.

Vs.

The State of W.B. & Ors.

Mr. Shahan Shah
Mr. Soumen Barman ...for the petitioners.

Mr. Soumitra Bandyopadhyay
Ms. Suchana Banerjee ...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 though the petitioners have preferred an appeal under Section 10(4) of the West Bengal Highways Act, 1964 against an order passed by the Sub-Divisional Magistrate, Tehatta under Section 10(3) of the Act, which is pending, the State respondents are threatening to demolish the structures of the petitioners in the plot in question.

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 under Section 10(4) of the Act of 1964 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 consider and dispose of the appeal

within two months from the date of communication of this order upon affording reasonable opportunity of hearing to the parties thereto, 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.)