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jdt.

05.10.2023
jb.

W.P.A. 23598 of 2023
(Purnima Mayra vs. State of West Bengal & Ors.)

Mr. Debasis Banerjee
Mr. Kartick Kr. Ray
Mr. Rakesh Jana
.... For the Petitioner
Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State

Affidavit of service filed on behalf of the petitioner is taken on record.

It is submitted on behalf of the petitioner that the petitioner has preferred an appeal under Section 10(4) of the West Bengal Highways Act, 1964 against an order under Section 10(3) of the Act of 1964 passed by the Executive Magistrate, Diamond Harbour, South 24 Parganas, on 19th September, 2023. The petitioner seeks protection from eviction from the plot in question 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 under Section 10(4) of the Act of 1964 is pending before the District Magistrate, South 24

Parganas, being the third respondent herein, the appeal be directed to be disposed as expeditiously as possible.

The writ petition is accordingly disposed of directing the 3rd respondent to dispose of the appeal filed by the petitioner under Section 10(4) of the Act of 1964 within two months from the date of communication of this order, in accordance with law.

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

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)