

08.11.2023

Sl. 13
Ct.No. 5
K.B/Amalranjan

WPA 25838 of 2023

Nandagopal Niogi & Anr.
Vs
The State of West Bengal & Ors.

Mr. Nilanjan Adhikari

...for the petitioners

Mr. Jahar Dutta

Mr. Amit Halder

...for the State

Affidavit of service filed in court today be kept with the record.

The petitioners being aggrieved by an order directing removal of the encroachment in Government Land passed under sub-section (3) of Section 10 of the West Bengal Highways Act, 1964 has preferred an appeal under sub-section (4) thereof along with an application for condonation of delay.

The appeal and the connected application are pending before the appellate authority.

The petitioners are praying that till the final decision of the appeal, no steps should be taken for implementation of the order of removal of the encroachment.

The prayer of the petitioners is misconceived inasmuch as it is always open to the petitioners to seek such relief in the appeal upon the same being registered after condonation of delay.

WPA 25838 of 2023 is therefore dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu,J.)