

WPA 28618 of 2022

+

CAN 1 of 2023

Ashutosh Panda & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Siddhartha Banerjee

Mr. S. N. Ghosh

Ms. J. Routh ...for the petitioners.

Mr. Chandi Charan De

Mr. A. Sarkar ...for the State.

Ms. Pampa Dey Dhabal ...for the respondent No.7.

Written instructions submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

The order passed by the District Magistrate, Purba Medinipur under Section 10(4) of the West Bengal Highways Act, 1964 on 7th December, 2022 is assailed in the writ petition.

Upon consideration of the submission made on behalf of the parties and on perusal of the order impugned itself, this Court is of the view that the order impugned is bereft of any reasons and needs to be revisited. Besides recording that the order was passed upon hearing the parties and upon careful perusal of the available documents and records no other reason has been assigned by the District Magistrate as to why the order passed under

Section 10 (3) of the Act of 1964 was upheld by the authority.

In view of the above, the order passed by the District Magistrate, Purba Medinipur on 7th December, 2022 is set aside.

The District Magistrate, Purba Medinipur, being the 2nd respondent herein, is directed to reconsider the application filed by the petitioners under Section 10(4) of the Act of 1964 and pass a reasoned and speaking order within one month from the date communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondent, in accordance with law.

Pending disposal of the application under Section 10(4) of the Act of 1964 no coercive step shall be taken against the petitioners in respect of the plot in question.

With the above observations and directions this writ petition being WPA 28618 of 2022 is disposed of.

Accordingly, the application being CAN 1 of 2023 is also 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.)