

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 1039 of 2023

**Ritesh Portel
-versus-
The State of West Bengal and Ors.**

Mr. Ujjwal Luksom
Mr. Reagan Lama
... for the petitioner.

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose
... for the State

Mr. Srijib Chakraborty
Mr. Debarshi Dhar
Mr. Aditya Mondal
... for the respondent no.7

The petitioner has filed the instant writ application praying for setting aside the order dated 13th December, 2022 passed by the respondent no.4 in Municipal Case No.3 of 2022.

Counsel for the State respondent submits that as per Section 21B(12) of the West Bengal Municipal Act, 1993 there is a provision of appeal and the appellate authority is the District Magistrate.

In view of the submission made by the counsel for the State respondent, the petitioner is directed to approach the appellate authority i.e. the District

Magistrate by challenging the order dated 13th December, 2022.

The appellate authority shall consider the appeal, if any, filed by the petitioner within six weeks from the date of receipt of appeal. The appellate authority shall also consider the time spent by the petitioner by filing the present writ application at the time of considering the delay in preferring an appeal.

(Krishna Rao, J.)