

724
15.04.2024
Ct. No.10
b.das

WPA 5885 of 2024

Rabindranath Bhunia & Ors.
Vs.
The State of W.B. & Ors.

Mr. Dhiraj Trivedi
Mr. Sunil Gupta
Ms. S. Sarkhel ...for the petitioners.

Mr. Biplap Guha
Mr. Amritalal Chatterjee ...for State.

Mr. Golam Mastafa
Mr. Tarasankar Samanta ...for respondent no.9.

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

The petitioners initially prayed for a direction upon the respondents to serve a copy of the order dated December 20, 2023 under Section 10(3) of the West Bengal Highways Act, 1964. Such copy has been served upon the petitioners during pendency of the writ petition. As submitted by the learned counsels for the petitioners and the State respondents, the petitioners have preferred an appeal under Section 10(4) of the Act. The petitioners seek a direction upon the concerned authority not to demolish the structure of the petitioners in the plot in question till the appeal is disposed of.

Upon consideration of the submission made on behalf of the parties this Court is inclined to hold that

since the petitioners have preferred an appeal under Section 10(4) of the Act of 1964, the concerned authority being the 5th respondent herein, be directed to dispose of the appeal within one month from the date communication of this order, in accordance with law.

Pending disposal of the appeal, no coercive step be taken against the petitioners by the State respondents in respect of the plot in question.

The writ petition is disposed of.

There shall, however, 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.)