

742
21.03.2024
Ct. No.10
b.das

WPA 27376 of 2023

Sk. Mojahedul Islam
Vs.
The State of W.B. & Ors.

Sk. Toslim Ali ...for the petitioner.

Mr. Chandi Charan De
Ms. Reshma Chatterjee ...for the State.

Mr. Anindya Bose
Mr. Santanu Maji
Mr. S. Das
Mr. M. Biswas ...for respondent nos.8 & 9.

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

Heard learned counsels for the parties.

Pursuant to the writ petitioner complaining of unauthorised construction made by the private respondents on PWD land, proceeding under Section 10 of the West Bengal Highways Act, 1964 was initiated and order passed under Section 10(3) of the Act.

The private respondents have preferred an appeal against the said order before the District Magistrate, Howrah.

Learned counsel for the petitioner submits that the appeal under Section 10(4) has not been disposed of as yet. During pendency of the writ petition, notice of hearing was served upon the parties and hearing has been conducted but no order has been communicated to the petitioner.

The petitioner submitted an application before the District Magistrate, Howrah, on 20th November, 2023 for expeditious disposal of the appeal under Section 10(4) of the Act of 1964 and removal of the illegal encroachment from the plot in question. The petitioner seeks consideration of the application and direction upon the authority to dispose of the appeal at the earliest.

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 has been admittedly heard, the 2nd respondent be directed to communicate the decision of the appeal to the petitioner and the private respondents within two weeks from the date of communication of this order.

With the above observations and directions 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.)