

January 21, 2025
AD 15
Ct. 17
SG

WPA 1716 of 2025

Gouranga Kamilya and others
vs.
The State of West Bengal and others

Mr. K.C. Das
Mr. Sk. Sahjahan Ali
... for the petitioners

Mr. Swapan Kumar Dutta
Mr. Rajat Dutta
... for the State

Mr. Amlan Kumar Mukherjee
Mr. Rajit Lal Maitra
... for the respondent Nos.7 & 8

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

Learned counsel for the petitioners submits as follows. The petitioners have suffered an order in terms of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. They have accordingly preferred an appeal before the the District Magistrate, Purba Medinipur, which is pending. In spite of pendency of such appeal, the respondent authorities are trying to carry out the original order and evict the petitioners. Incidentally, the order passed was a composite one, being also under the West Bengal Highways Act, 1964. The petitioners reserve the right to challenge the validity of the order on the ground of being composite, among others. In fact, in connection with the order passed dated

15.01.2025 in WPA 541 of 2025 in respect of the West Bengal Highways Act, a Coordinate Bench of this Court directed the jurisdictional appellate authority to dispose of the appeal after granting opportunity of hearing to the parties in accordance with law. The petitioners seek similar order from this Court.

Learned counsel for the private respondents denies the allegations and submits that the appeal is pending in respect of the order passed under the 1962 Act is to be heard on 30.01.2025.

Learned counsel for the State submits that if an appeal is pending, the same ought to be decided in accordance with law.

It appears that the petitioners have preferred an appeal against the order passed under 1962 Act. It is also evident that a Coordinate Bench of this Court had asked the concerned appellate authority to dispose of the appeal against the order passed in respect of the West Bengal Highways Act, 1964 in accordance with law.

In view of the above, let the appellate authority dispose of the appeal in the instant case in accordance with law upon hearing the interested parties and as expeditiously as possible, preferably within a period of six weeks from the date of communication of this order. The respondent authorities and the appellate authority shall ensure that the appeal in question does not become infructuous by any action of the respondents.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

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

(Jay Sengupta, J.)