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15.11.2021
Ct. No.10
b.das

W.P.A. 1553 of 2021
(Via Video Conference)

Subhas Patra
Vs.
State of W.B. & Ors.

Mr. Balai Lal Sahoo
Mr. S.P. Ray ...for the petitioner.

Mr. Susovan Sengupta
Mr. S. Paul ...for the State.

Mr. Amit Baran Dash ...for the respondent No.10.

The parties are represented.

The petitioner complains of encroachment of government land. It is submitted on behalf of the petitioner that pursuant to a representation made by the petitioner before the State authorities, notice under Section 10(1) of the West Bengal Highways Act, 1964 was issued upon the private respondent on 27th September, 2021 requiring the respondent to remove/demolish the unauthorized construction on or before 26th October, 2021.

The petitioner prays for a direction upon the State authorities to conclude the said proceeding within a stipulated period of time.

It is submitted on behalf of the private respondent that this respondent has raised construction on his *raiya* land and no such encroachment as alleged has been made.

The State concedes to the statement made on behalf of the petitioner.

Upon consideration of the submission made by the learned Advocates for the parties and material on record, I dispose of the writ petition with a direction upon the respondent No.4 to conclude the proceeding under Section 10 of the 1964 Act within a period of three months from the date of communication of this order, in accordance with law.

The private respondent shall be at liberty to place all his points as raised before this court, before the authority concerned at the time of hearing.

Accordingly WPA 1553 of 2021 is 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.)