

W.P.A. 2967 of 2020

(Through Video Conference)

**Sushila Bhowmik
-Vs-
The State of West Bengal & Ors.**

Mr. Sandip Kumar Bhattacharyya,
Mr. Suman Basu.
.....for the petitioner.

Mr. T.M. Siddiqui,
Ms. Tuli Sinha.
.....for the State.

The petitioner complains that she has been served with a notice under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as 'the said Act') alleging encroachment on the Government land.

The petitioner claims that her title over the property covered under the said notice is perfected by a decree of civil Court.

The State respondent submits that the petitioner is holding land beyond the decreetal property, as such, the said notice has been issued.

Section 10 of the said Act prescribes a complete mechanism for removal obstruction on Government land.

The notice under Section 10 dated November 19, 2019 has been issued by the respondent no. 6 herein. It is always open for the petitioner to file objection to the said notice drawing attention of the said respondent that land covered under the said

notice belongs to her by virtue of the said decree of the Civil Court.

Under such circumstances the respondent no. 6 would be obliged to identify the land covered under the said decree vis-à-vis the land covered under the said notice under Section 10 of the said Act and thereafter shall dispose of the said objection in accordance with law.

The respondent no. 6 shall complete the exercise in this regard within a period of six months from the date of receipt of the objection of the petitioner.

It is made clear that this Court has not gone into the merit of the rival claims of the parties.

W.P.A 2967 of 2020 is thus disposed of. No order for costs.

Since no affidavit-in-opposition has been invited the allegations made in the writ petition are deemed to have been denied by the respondents.

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

(Biswajit Basu, J.)