

WPA 12007 of 2018

**Nihar Ranjan Kayal & Ors.
Vs.
The State of West Bengal & Ors.**

(via Video Conference)

**Mr. Kamal Mishra
Mr. Tamal Taru Panda
.....For the petitioners**

Petitioners seek removal of unauthorised encroachment.

Learned advocate appearing for the petitioners submits that subsequent to the filing of the writ petition, Assistant Engineer issued a notice dated November 15, 2019 for removal of encroachment. The encroachments are yet to be removed.

None appears for the State.

It appears that the authorities invoked the provisions of Section 10(1) of the West Bengal Highways Act, 1964 for the purpose of removal of encroachments. Such steps were taken on November 15, 2019. The encroachments are yet to be removed.

In such circumstances, the authorities will proceed under Section 10(2) of the Act, 1964 and will remove the encroachments from the highway in accordance with law. It is expected that the provisions of Section 10(2) of the Act, 1964 is invoked within a fortnight from the date of communication of the order to the Sub-Divisional Officer.

The authorities will under the Act of 1964 till its conclusion. The Sub-Divisional Officer will conclude the proceedings as expeditiously as possible within a period of six weeks therefrom.

WPA 12007 of 2018 is disposed of accordingly.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Debangsu Basak, J.)