

37
jdt.

13.12.2021
jb.

W.P.A. 17631 of 2021
(Vinod Kr. Gupta vs. State of West Bengal & Ors.)

Mr. Uddipan Banerjee
.... For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
.... For the State

Affidavit-of-service filed on behalf of
the petitioner be taken on record.

Report filed on behalf of the State
respondents be also taken on record.

Heard learned counsels for the parties.

It is submitted on behalf of the
petitioner that the petitioner acquired the
plot in question by virtue of registered deed
of gift dated 8th March, 2017. The petitioner
complains that notice under Section 10(1) of
the West Bengal Highways Act, 1964 was issued
by the 3rd respondent in respect of the
petitioner's plot along with other plots. The

petitioner submitted a representation before the Authority expressing his grievance on 2nd November, 2021, but the same is yet to be disposed of. The petitioner prays for a direction upon the concerned Authority to consider his representation at the earliest.

It is submitted on behalf of the State respondents that the plot in question is owned by the State and the petitioner and others have encroached upon the same illegally for which work for extension of Kalyany Expressway is stalled. The concerned Authority has issued notice under Section 10(1) of the Act of 1964 upon the encroachers directing them to remove such encroachments.

Upon consideration of the submissions made on behalf of the parties and material on record, this Court is of the view that as the proceeding under Section 10 of the Act of 1964 has been initiated, the petitioner shall be at liberty to make out his case before the concerned Authority and the representation pending before the Authority may also be disposed of by the Authorities in course of such proceeding. Accordingly, the writ petition is disposed of directing the 3rd

respondent to consider and dispose of the representation filed by the petitioner dated 2nd November, 2021 in course of the proceeding under Section 10 of the Act of 1964 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

w.P.A. 17631 of 2021 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)