

08.09.2021
jb.

**W.P.A. 19002 of 2019
(Debashree Maity vs. State of West Bengal & Ors.)**

**Mr. Supratick Shyamal
Mr. Dilip Kr. Shyamal
.... For the Petitioner**

**Mr. Chandi Charan De
Mr. Susovan Sengupta
Ms. Chandana Ghosh
.... For the State**

Heard the learned counsels for the parties.

It is submitted on behalf of the petitioner that despite issuance of notice under Section 10(1) of the West Bengal Highway Act, 1964 upon encroacher, illegal encroachment on the public highway has not been removed.

The State respondents submit that the respondent No. 3 be directed to comply with the provisions under Sections 10(2) and 10(3) of the Act of 1964 for removal of such encroachment.

It appears that notice under Section 10(1) of the Act of 1964 was served upon the

encroacher despite which encroachment has not been removed.

Having considered the submissions made by the parties and the points of law involved in this petition, I dispose of the petition with a direction upon the respondent No. 3 to send the matter to the respondent No. 7 who shall, in turn, comply with the provisions laid down under Section 10(3) of the Act of 1964 for removal of such encroachment after giving an opportunity of hearing to the affected parties, within a period of two months from receipt of the application sent to him by the respondent No. 3.

W.P.A. 19002 of 2019 is disposed of accordingly.

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

There shall be no order as to costs.

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

(Suvra Ghosh, J.)