

08.02.2022
rc/ct.no.10
Item No.07-08

WPA No. 15668 of 2021
Rahul Mondal & Ors.
Versus
The State of West Bengal & Ors.
With
WPA No. 455 of 2022
Abbas Mondal @ Tanesur Mondal & Anr.
Versus
The State of West Bengal & Ors.

Mr. Amanul Islam	
Mr. Sourav Mukherjee	...for the petitioners (in WPA No. 15668 of 2021)
Mr. Sarwar Jahan	...for the petitioner (in WPA No. 455 of 2022)
Mr. Susovan Sengupta	
Mr. Chandi Charan De	
Mr. Anirban Sarkar	
Mr. Subir Pal	...for the State

Re : WPA No. 15668 of 2021

Learned counsel appearing on behalf of the petitioners submits that he has instructions to withdraw this writ petition.

In view of the above, this writ petition being WPA No. 15668 of 2021 is dismissed for non prosecution.

There shall be, however, no order as to costs.

Re : WPA No. 455 of 2022

Heard learned counsels appearing on behalf of the parties.

The record reveals that notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as "**the said Act**") was issued upon the private

respondents on September 03, 2021 but no further steps was taken by the authority due to pendency of the writ petition being WPA No. 15668 of 2021.

The said writ petition being WPA No. 15668 of 2021 being withdrawn by the petitioners therein, it is open to the authority to proceed with the proceeding under Section 10 of the said Act and to take the proceeding to its logical conclusion within a stipulated period of time.

In view of the above, the writ petition being WPA No. 455 of 2022 is disposed of by directing the respondent no. 5 to conclude the proceeding under Section 10 the said Act within two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents, in accordance with law.

With the above observations and directions this writ petition being WPA No. 455 of 2022 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)