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08.04.2022
Ct. No.10
b.das

WPA 463 of 2022

Tapas Moyra
Vs.
The State of West Bengal & Ors.

Mr. Pankaj Halder
Mr. Sanatan Panja
Mr. T. Manna

...for the petitioner.

Affidavit of service filed by the petitioner is taken on record.

None appears for the respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioners submits that a portion of the PWD highway has been encroached upon by the private respondents who have raised unauthorised construction therein.

The petitioner submitted a representation before the concerned authority in this regard and prays for a direction

to consider the said representation within a stipulated time frame.

Learned counsel for the petitioner submits that pursuant to the said representation, demarcation of the plot in question has been done by the concerned authority in presence of both the parties.

In view of the same, this Court is inclined to hold that as the process of demarcation of the plot in question is completed and proceeding under Section 10 of the West Bengal Highways Act, 1964 has been initiated, the 4th respondent should be directed to take the proceeding to its logical conclusion within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 4th respondent to take the proceeding under Section 10 of the Act of 1964 to its logical conclusion within three months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition being WPA 463 of 2022 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)