

15.09.2022
rc/ct.no.10
Item No.26

WPA No. 4560 of 2021

Mr. Salil Kumar Maity
Mr. Raj Kumar Sain
Mrs. Pinki Saha ...for the Petitioner

Mr. Rabindra Nath Dutta
Mr. Suprabhat Bhattacharjee ...for the State

Report in the form of affidavit filed by the State-respondents is taken on record.

It appears from the report and it is submitted by the learned counsels appearing on behalf of the parties that the proceeding under Section 10 of the West Bengal Highways Act, 1964 (in short, “the Act of 1964”) has been initiated in respect of the plot in question. Challenging the notice under Section 10(1) of the Act of 1964 issued on April 27, 2021 the private respondent approached this Court in a writ petition being WPA No. 10497 of 2021 which was dismissed by a coordinate Bench of this Court by an order dated May 17, 2021.

It is submitted by the learned counsel appearing on behalf of the petitioner as well as the State-respondents that the concerned authority may be directed to conclude the proceedings under Section 10 of the Act of 1964 at the earliest.

Upon hearing the submission made by the learned counsels appearing on behalf of the parties this Court is

inclined to hold that since the proceedings under Section 10 of the Act of 1964 has been initiated and M.P.Case No. 1638 of 2021 under Section 10(2) of the Act of 1964 is pending, the concerned authority should be directed to bring the proceedings to its logical conclusion within a stipulated time frame.

Accordingly, this writ petition is disposed of directing the 5th respondent to bring 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 affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents, in accordance with law.

With the above observations and directions this writ petition 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)