

March 1, 2022
ARDR
(14)

WPA 3044 of 2020

Niranjan Prasad Bera
Vs.
The State of West Bengal & Ors.

Mr. Debashis Saha,
Ms. Dipika Banu,
Ms. Namrata Chatterjee,

...for the petitioner.

Mr. Ansar Mondal,
Ms. Sreelekha Bhattacharjee,

...for the State.

The writ petitioner has challenged the notice issued to him by the State respondents under Section 10(1) of the West Bengal Highways Act, 1964 on 11th November, 2019.

The State respondents have submitted a report which indicates that the respondents are willing to purchase the property in question directly from the petitioner. It is submitted on behalf of the State respondents that the Assistant Engineer, PWD has no authority to issue the notice under Section 10(1) of the Act of 1964 and also, as the State respondents are willing to purchase the property directly from the petitioner, the notice impugned has no force.

Learned counsel for the petitioner, however, submits that the petitioner is not willing to sell out the property to the State respondents, the property being his ancestral property.

In view of the submissions made on behalf of the parties as well as the material on record, this Court is of the view that the notice dated 11th November, 2019 under Section 10(1) of the Act of 1964 alleging encroachment of Government land by the petitioner is non-est in view of the proposal of the State respondents to purchase the property from the petitioner, thereby admitting his title in respect of the property.

The sole prayer of the petitioner in the present petition being an order for quashing/setting aside the notice impugned in terms of prayer (b) of the writ petition, the notice dated 11th November, 2019 issued by the Assistant Engineer, PWD under Section 10(1) of the West Bengal Highways Act, 1964 is quashed/set aside.

WPA 3044 of 2020 is disposed of. However, there shall be no order as to costs.

Since no affidavits are invited, the allegations contained in this writ 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.)