

08.07.2022
rc/ct.no.10
Item No.32

WPA No. 3793 of 2022

Mr. Pankaj Halder
Mr. Tapas Manna ...for the Petitioners

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kumar Nag ...for the State

Affidavit of service filed in Court today is taken on record.

The petitioners complain of unauthorised construction being raised by the private respondents by encroaching upon PWD land.

It is submitted by the learned counsel appearing on behalf of the petitioners that during pendency of the writ petition proceeding under Section 10(1) and 20 of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") was initiated by the authority and the private respondents were directed to remove/demolish encroachment on Government land on 09.05.2022. Learned counsel further submits that as the said notice was not complied with by the private respondents, the matter was referred to the 4th respondent for conclusion of the proceeding under Section 10(3) of the Act of 1964 after giving opportunity of hearing to the concerned parties. Learned counsel prays for a direction upon the 4th respondent to conclude the proceedings within a stipulated time frame.

Upon consideration of the submission made by the learned counsel appearing on behalf of the parties, this Court is of the view that as proceedings under Section 10(3) of the Act, 1964 has been initiated the concerned authority should be directed to conclude the said proceedings within a stipulated time frame.

Accordingly, this writ petition is disposed of directing the 4th respondent to conclude the proceeding under Section 10 of the Act of 1964 within two months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioners 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)