

21
jdt.

08.08.2022
jb.

W.P.A. 4692 of 2022
(Amar Kumar Maiti vs. State of West Bengal & Ors.)

Mr. Sourav Dutta
.... For the Petitioner

Mr. Ashim Kumar Ganguly
Ms. Karabi Roy
.... For the State

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

None appears for the private respondents despite service.

The petitioner complains of unauthorised construction on PWD land by the private respondents adjoining the plot of the petitioner, thereby obstructing his egress and ingress.

The statement of fact submitted by the State respondents demonstrates that the government plot has been demarcated and unauthorised construction has been made therein by the private respondents . Notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon the alleged encroachers

directing removal of the unauthorised encroachment within 27th July, 2022.

In view of the same, this Court is inclined to hold that as process under Section 10 of the Act of 1964 has already been initiated, the authority should be directed to conclude the said process within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the SDO, Haldia, the 3rd respondent herein to conclude the proceedings initiated under Section 10 of the Act of 1964 within three months from the date of communication of this order after affording reasonable opportunity of hearing to the interested parties including the petitioner and the private respondents, in accordance with law.

W.P.A. 4692 of 2022 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)