

WPA 6719 of 2022

Nityananda Pal & anr.
Vs.
The State of West Bengal & ors.

Adv. Raj Kumar Sain,
...for the petitioners.
Adv. Tanoy Chakraborty,
Adv. Chhandak Dutta,
Adv. Sourav Bera,
...for the respondent nos. 8 and 9.
Adv. Chandi CharanDe,
Adv. Chandana Ghosh,
...for the State.

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

The petitioners complain of unauthorised construction by the private respondents by encroaching upon a portion of PWD land. Pursuant to a representation submitted by the petitioners on 10th March, 2022, proceeding under Section 10 of the West Bengal Highways Act, 1964 has been initiated.

It is submitted on behalf of the private respondents that no portion of Government land has been encroached upon by the said respondents.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since proceeding under Section 10 of the Act of 1964 has been initiated against both the parties, the proceeding should be directed to be taken to its logical conclusion within a stipulated time frame.

In view of the same, the writ petition is disposed of directing the 5th respondent to take the proceeding under Section 10 of the West Bengal Highways Act, 1964 to its logical conclusion within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents in accordance with law.

With the aforesaid directions, WPA 6719 of 2022 is disposed of. There shall however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)