

07
09.02.2022
Ct. No.10
b.das

W.P.A. 9835 of 2021

(Via Video Conference)

Sanuar Ali
Vs.
State of W. B. & Ors.

Mr. Uday Narayan Betal	...for the petitioner.
Mr. M. K. Sanyal	
Mr. A. Pathak	...for the respondent No.10.
Mr. Ansar Mandal	
Mr. S. Mitra	...for the State.

Heard learned counsels for the parties.

The supplementary affidavit filed by the petitioner discloses certain developments subsequent to institution of the writ petition. It appears that upon demarcation of the land in question and observation that the private respondents have encroached upon the PWD land, notice under Section 10(1) of the West Bengal Highways Act, 1964 was issued upon the private respondents. The notice not being complied with by the private respondents, the Assistant Engineer (PWD), Berhampore Sub-Division No-III issued a letter to the Sub-Divisional Officer Domkal Sub-Division, Murshidabad on 16th November, 2021 requesting the latter to take steps as per Section 10(3) of the Act of 1964.

In view of the above, this Court is inclined to hold that as the proceeding under Section 10 of the 1964 Act has been initiated, the concerned authority should be directed to take the proceeding to its logical conclusion within a stipulated period of time.

Accordingly, the writ petition is disposed of directing the 6th respondent to conclude the proceedings under Section 10 of the Act of 1964 within a period of two months from the date of communication of this order, after giving 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 being WPA 9835 of 2021 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)