

11.11.2022
rc/ct.no.10
Item No.21

WPA No. 8945 of 2022

Md. Shamim Halder ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State

Md. Abdur Rakib
Mr. Jisan Iqbal Hossain
Mr. Biswajit Sarkar ...for the respondent no. 9

Report in the form of affidavit filed on behalf of the State-respondent is taken on record.

The petitioner has prayed for implementation of the order passed by the Executive Engineer, Murshidabad Highway Division on August 04, 2021 and notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereafter referred to as "the Act of 1964") issued on August 27, 2021.

Such order and notice were issued pursuant to an order of a Coordinate Bench of this Court passed on April 23, 2021 in WPA No. 6710 of 2021. Since notice under Section 10(1) of the Act of 1964 has been issued upon both the petitioner and the private respondents upon holding them to be encroachers upon Government land, the proceeding under Section 10 of the Act of 1964 be taken to its logical conclusion within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 4th respondent to take the proceeding under Section 10 of the Act of 1964 to its logical conclusion in accordance

with law within two months from the date of communication of this order.

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)