

WPA 9208 of 2022

Suman Ghosh & Ors.
Vs.
The State of W.B. & Ors.

Ms. Malyasree Maity ...for the petitioners.

Mr. L. M. Mahata
Mr. Rudranil De ...for the State.

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

None appears for the private respondents despite service.

Heard learned counsels for the parties.

The petitioners complain that the private respondents have made unauthorised construction by encroaching upon the PWD land adjoining the petitioners' land, thereby obstructing the ingress and egress of the petitioners.

Documents submitted by the State respondents demonstrate that notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon the alleged encroachers upon demarcation of the plot in question and detection of encroachment thereon.

In view of the same, this Court inclined to hold that as proceeding under Section 10 of the Act of 1964 has been initiated, the concerned authority should be directed to

conclude the said proceedings within a stipulated time frame.

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

With the above observations and directions, the writ petition being WPA 9208 of 2022 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.)