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jdt.

14.12.2022
jb.

W.P.A. 12601 of 2021
(Sk. Aminul Islam vs. State of West Bengal & Ors.)

Mr. Salil Kr. Maiti
Ms. Jayatri Basu Roy
.... For the Petitioner
Mr. Santanu Mr. Mitra
Mr. Ayan Banerjee
.... For the State

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

None appears for the private respondents despite service.

The petitioner claims to be the recorded owner of 3 decimals of land in plot No. 836 and contends that the private respondents have raised unauthorised construction by encroaching upon a portion of PWD highway adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 19th April, 2021 and prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that pursuant to the representation submitted by the petitioner,

necessary steps have been taken by the Assistant Engineer, Haldia Highway Sub-Division Public Works (Roads) Directorate and notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon the alleged encroacher.

In view of the same, this Court is inclined to hold that since proceeding under Section 10 of the Act of 1964 has already been initiated, the said proceeding should be taken to its logical conclusion within a stipulated time frame.

The writ petition is accordingly disposed of directing the 3rd respondent to take the proceeding under Section 10 of the West Bengal Highways Act, 1964 to its logical conclusion upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents within two months from the date of communication of this order, in accordance with law.

The writ petition 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.)