

18.02.2022
rc/ct.no.10
Item No.08

WPA No. 15647 of 2021
Saraswati Dutta
Versus
The State of West Bengal & Ors.

Mr. Sarbanandya Sanyal ...for the petitioner

Mr. Malay Kr. Singh
Mr. K. Rahaman ...for the State

The grievance of the petitioner is that the private respondent encroached upon PWD land adjoining the land of the petitioner and has thereby obstructed the ingress and egress of the petitioner. The petitioner submitted a representation before the authority in this regard on August 04, 2021.

It is not in dispute that during pendency of the writ petition, the representation of the petitioner has been taken into consideration and pursuant to the same, a letter has been issued by the Executive Engineer, Nadia Division, PWD to the Assistant Engineer, Krishnanagar Sub-Division, PWD on September 29, 2021 for demarcation of the land in question and identification of the alleged encroachment.

Learned counsel appearing on behalf of the petitioner submits that as the proceeding under Section 10 of the West Bengal Highways Act, 1964 has been initiated, the authority may be directed to complete the said proceeding within a certain time frame.

Upon consideration of the submission made by the learned counsels appearing on behalf of the parties, the Court is of the view that as proceeding under Section 10 of the West Bengal Highways Act, 1964 has already been initiated, the authority may be directed to take the proceeding to its logical conclusion within a stipulated time frame.

Accordingly, this writ petition is disposed of directing the respondent no. 4 to take the proceeding initiated 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 after giving 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 No. 15647 of 2021 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)