

WPA 14412 of 2022

Ashim Halder & anr.
Vs.
The State of West Bengal & Ors.

Adv. Siddhartha Sarkar,
Adv. Ayan Dutta,
Adv. Poulami Bhowmick,
...for the petitioners.
Adv. Prakash Chandra Mondal,
...respondent no.6 in person.
Adv. Syama Prasad Purkait,
...for the respondent no.7.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

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

Heard learned counsels for the parties.

The petitioners were initially aggrieved by the enquiry held by the Block Land & Land Reforms Officer, on instructions of the Sub-Divisional Officer, Diamond Harbour, pursuant to an earlier order passed by a coordinate Bench of this Court in WPA 10787 of 2021. The petitioners say that such enquiry was held behind their back though it was recorded that they were present during the enquiry. The enquiry report was accepted by the Sub-Divisional Officer, Diamond Harbuor who, by an order passed on 28th March, 20202, directed the Assistant Engineer, PWD, Diamond Harbour Sub-Division to proceed in terms of the West Bengal Highways Act, 1964 for the purpose of removal of encroachments upon Government

land. The said order was affirmed by the District Magistrate by an order passed on 24th May, 2022. The writ petition has been filed assailing the said order along with other previous orders.

It is submitted on behalf of the writ petitioners that during pendency of the writ petition, the petitioners have received a notice under Section 10(3) of the Act of 1964 and the said proceeding is pending.

It is submitted on behalf of the respondents that the concerned authority be directed to conclude the said proceedings in accordance with law upon giving reasonable opportunity of hearing to all the parties within a stipulated time frame.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since proceeding under Section 10(3) of the Act of 1964 is pending before the concerned authority, the concerned authority being the 4th respondent herein, be directed to take the proceeding 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(3) of the Act of 1964 to its logical conclusion upon affording reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents within two months from the date of communication of this order, in accordance with law.

With such observations and directions, the writ petition being WPA 14412 of 2022 is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petitions 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.)