

14 & 15
29.08.2022
Ct. No.10
b.das

WPA 15167 of 2022

Himadri Sekhar Dey
Vs.
The State of W. B. & Ors.

With
WPA 9779 of 2022

Md. Shah Hossain
Vs.
The State of W. B. & Ors.

Mr. Debasish Das ...for the petitioner
in WPA 15167 of 2022 and
Respondent No.6 in WPA 9779 of
2022.

Mr. S. Bandopadhyay
Mr. A. K. Nag ...for the State in
WPA 15167 of 2022.

Mr. R. Basu
Mr. S. T. Mina ...for the State in
WPA 9779 of 2022.

Mr. Tapas Kr. Majumder ...for the petitioner in
WPA 9779 of 2022 and
Respondent No.14 in WPA
15167 of 2022.

Heard learned counsels for the parties.

Pursuant to an order passed by this Court in WPA 20286 of 2019 on 18th January, 2022, notice under Section 10(1) of the West Bengal Highways Act, 1964 was issued by the Assistant Engineer, PWD, Suri Sub-division to the private respondent in WPA 15167 of 2022 directing removal of unauthorised occupation of PWD land within 10 days from issuance of the notice.

The said notice has been challenged by the private respondent in WPA 9779 of 2022 wherein he is the writ petitioner.

It transpires from the earlier order of this Court that upon consideration of the allegation made by the petitioner therein of unauthorised construction made by the private respondent by encroaching upon a portion of the PWD road, the State respondents were directed to consider the matter and dispose of the representation submitted by the writ petitioner before the authority.

As process under Section 10 of the West Bengal Highways Act, 1964 has been initiated in terms of the earlier order of this Court, this Court is inclined to hold that the process should be directed to be completed within a stipulated time frame, after affording reasonable opportunity of hearing to all the interested parties.

In view of the same, both the writ petitions are disposed of directing the 7th respondent in WPA 15167 of 2022 to conclude the proceedings under Section 10 of the Act of 1964 within two months from the date of communication of this order after affording reasonable 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, both the writ petitions are disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)