

January 04, 2022

ARDR

(23)

WPA 16202 of 2021

Nisith Ranjan Maity & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Amit Kumar Pan,

Ms. Tanusri Santra,

Mr. Haridas Das,

...for the petitioners.

Mr. Chandi Charan De,

Mr. Anirban Sarkar,

...for the State.

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

It is submitted on behalf of the petitioners that the land in question is recorded in the name of the Irrigation and Waterways Department. The private respondents raised illegal construction by encroaching upon the said land for which notice under Section 10(1) of the West Bengal Highways Act, 1964 was served upon them directing them to remove/demolish the structure raised by them on the Government land. Several reminders were given to the private respondents for compliance with the said notice, but to no effect. The private respondents approached this Court in a writ petition being WPA 10985 of 2021 praying for quashing the said notice. By an order dated 7th July, 2021, a coordinate Bench of this Court, dismissed the writ petition with a direction upon the

P.W.D authority to expeditiously proceed with the notice dated 9th June, 2021 and take further steps in that regard.

Learned counsel for the petitioner submits that despite such direction of the Hon'ble Court, the proceeding is still pending and no further steps have been taken by the authority against the private respondents.

It is submitted on behalf of the State respondents that the concerned authority may be directed to conclude the proceedings within a stipulated period of time.

As the proceeding under Section 10(1) of the West Bengal Highways Act, 1964 has been initiated against the private respondents on 16th December, 2020, it shall be appropriate to direct the concerned authority to conclude the said proceedings within a short time.

Accordingly, the writ petition is allowed directing the respondent no.7 to conclude the proceedings initiated under Section 10(1) of the Act of 1964 within a period of two months from the date of communication of this order after hearing all the interested parties including the petitioners and the private respondents, in accordance with law.

The WPA 16202 of 2021 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)