

Ct. 05  
Item No.15  
18.11.2022  
(Suvendu)

**WPA 16057 of 2022**

**Prabhat Kumar Bhunia & Ors.  
Vs.  
The State of West Bengal & Ors.**

Mr. Amit Baran Dash  
Ms. Ankana Sarkar

.....for the petitioners

Mr. Debasish Ghosh  
Mr. Domingo Gomes

.....for the State

The private respondent is not represented and the Affidavit-in-Opposition of the private respondent has also not been filed as per the direction given on 1<sup>st</sup> August, 2022.

The Affidavit-in-Reply filed on behalf of the petitioners is taken on record.

According to learned counsel appearing for the State, the writ petition may be disposed of with a direction on the SDO, Egra to consider the representation made by the petitioners on 9<sup>th</sup> June, 2022.

Learned counsel appearing for the petitioners relies on Section 10 of The West Bengal Highways Act, 1964. Under Section 10(1), the Highway Authority or any Officer authorized by him shall serve a Notice on the encroacher

requiring him to remove the encroachment and restore the highway to its original condition. Under Section 10(2), if the encroachment is not removed within the time specified in the Notice, the Highway Authority or the Officer authorized may make an application to the Executive Magistrate having jurisdiction over the area for removal of the encroachment.

In the present case, since the Executive Magistrate is the SDO, Egra, the SDO is empowered to take appropriate steps under Section 10(2) of the Act.

WPA 16057 of 2022 is disposed of with a direction on the SDO, Egra, being the respondent no. 5, to dispose of the representation dated 9<sup>th</sup> June, 2022 within a period of three weeks from date. The SDO shall hear the interested parties including the petitioners before passing the reasoned order which shall be communicated to the petitioners within a week from the date on which such reasoned order is passed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

**(Moushumi Bhattacharya, J.)**

