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03.02.2022
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W.P.A. 17992 of 2021
(Ansar Sk @ Ansar Ali vs. State of West Bengal & Ors.)

Mr. Ramij Munshi
... For the Petitioner

Mr. Ansar Mondal
... For the State

Report submitted by the State respondents is taken on record.

It is contended on behalf of the petitioner that the private respondent has raised illegal construction by encroaching upon PWD land, which is adjacent to the property of the petitioner and has thereby obstructed egress and ingress of the petitioner. The petitioner submitted a representation in this regard before the concerned Authority pursuant to which notice was issued by the Assistant Engineer, Kalna Sub-Division on 27th November, 2018 requesting removal of encroachment from Government land. The construction continued even after issuance of the notice and the Assistant

Engineer requested the SDL & LRO, Kalna, Purba Bardhaman to demarcate the land in question in order to ascertain the extent of encroachment thereof. Upon demarcation such encroachment was ascertained following which another notice was issued on 17th June, 2019 directing removal/demolition of the illegal construction on the Government land. Such notice fell on deaf ears for which the Assistant Engineer, by a letter dated 22nd July, 2019 requested the Sub-Divisional Officer, Kalna to take necessary steps under Section 10(2) of the West Bengal Highways Act, 1964.

Learned counsel for the petitioner submits that no further step has been taken by the Authority pursuant to the said letter.

Report submitted by the State respondents reiterates the contention of the petitioner.

Upon consideration of the submissions made on behalf of the parties and material on record, this Court is of the view that as proceeding under Section 10 of the Act of 1964 has been initiated, the 4th respondent

should be directed to take the proceeding to its logical conclusion within a stipulated period of time.

Accordingly, the writ petition is disposed of directing the 4th respondent to conclude the proceeding under Section 10 of the Act of 1964 after giving opportunity of hearing to all the interested parties including the petitioner and the private respondent, within a period of two months from the date of communication of this order, in accordance with law. The order passed by the 4th respondent shall be communicated to the parties within a period of one week thereafter.

With the above observations and directions, W.P.A. 17992 of 2021 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)