

WPA 17604 of 2022

Md. Azizul Hoque
Vs.
The State of W.B. & Ors.

Mr. Debasis Sur
Mr. Hare Krishna Halder
Mr. H. S. Paul ...for the petitioner.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Heard learned counsels for the parties.

On prayer of the petitioner liberty is granted to implead the Sub-Divisional Officer, Purba Bardhaman as respondent No.4 in the writ petition.

The petitioner has assailed the notice issued to him under Section 10(1) of the West Bengal Highways Act, 1964 on 19th July, 2022. The petitioner claims to be the recorded owner of the plot in question in respect of which the notice has been issued.

Learned counsel for the State respondents submits that the concerned authority be directed to initiate proceedings under Section 10(3) of the Act of 1964 in accordance with law.

In view of the above, this Court is inclined to hold that since proceedings under Section 10 of the Act of 1964 has been initiated by the respondents, the proceedings should be taken to its logical conclusion

within a stipulated time frame, upon affording reasonable opportunity of hearing to the petitioner.

Accordingly, the writ petition is disposed of directing the 4th respondent to initiate proceedings under Section 10(3) of the Act of 1964 and conclude the same within a period of two months from the date of communication of this order, upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

Pending conclusion of the proceedings under Section 10 of the Act of 1964, no coercive step shall be taken by the State respondents against the petitioner in respect of the plot in question.

With the above observations and directions the writ petition being WPA 17604 of 2022 is 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)