

25
05.01.2022
Ct. No.10
b.das

W.P.A. 18218 of 2021

(Via Video Conference)

Moslem Ali
Vs.
State of W.B. & Ors.

Mr. Amitava Raha ...for the petitioner.

Mr. Chandi Charan De ...for the Respondent No.3.

Affidavit of service and supplementary affidavit filed by the petitioner be taken on record.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that the petitioner owns a waterbody adjacent to the PWD road, which is used for pisciculture. The petitioner complains that a portion of the PWD road has been encroached by way of illegal construction which has resulted in obstruction of his right of passage to the waterbody.

The petitioner submitted a representation to that effect before the respondent No.3 on 2nd January, 2019. The said representation is yet to be disposed of. The petitioner pray for direction upon the concerned authority to consider the representation at the earliest.

Learned counsel for the petitioner submits that during pendency of the writ petition, the concerned authority has taken steps in terms of the representation submitted by the petitioner and has issued notice under Section 10(1) of the West Bengal Highways Act, 1964 upon the alleged encroachers.

As it is not in dispute that proceeding under Section 10 of the Act of 1964 has already been initiated, it shall be appropriate to direct the concerned authority to conclude the proceedings within a short time.

Accordingly, the writ petition is disposed of directing the respondent No.3 to conclude the proceedings initiated under Section 10 of the Act of 1964 within three months from the date of communication of this order, after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

With the above observations and directions this writ petition WPA 18218 of 2021 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.)