

WPA 21440 of 2021

Amit Bera
Vs.
The State of West Bengal & Ors.

Mr. Sandipan Bhattacharyya,
Mr. Suman Basu,
...for the petitioner.
Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal,
...for the State.

The petitioner has assailed the notice served on his father by the respondents under Section 10(1) of the West Bengal Highways Act, 1964.

It is admitted by both the parties that C.S. Plot No.1681, which the petitioner claims to possess, has not been acquired by the respondents. The petitioner claims that the notice impugned has been issued in respect of said plot though there is no C.S. Dag number mentioned in the said notice.

It is submitted on behalf of the State respondents that since C.S. Dag no. 1681 has not been acquired, there can be no notice under the Act of 1964 in respect of the said plot.

In view of the above, this Court is inclined to hold that since admittedly the plot in question has not been acquired, the notice issued on 21st November, 2020 to the father of the petitioner under Section 10(1) of the Act of 1964 in so far as it pertains to C.S. Dag no. 1681 is

set aside/quashed. The notice shall remain valid in the event any other plot is involved herein.

With the aforesaid observations, the writ petition being WPA 21440 of 2021 is disposed of.

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 upon compliance of necessary formalities.

(Suvra Ghosh, J.)