

01.04.2022
rc/ct.no.10
Item No.08

WPA No. 19754 of 2019
Sk. Naruluddin
Versus
The State of West Bengal & Ors.

Mr. Tushar Sinha Mahapatra...for the petitioner

Mr. Santanu Kr. Mitra
Mr. Mahim Chowdhury ...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the private respondent despite service.

The petitioner complains that a portion of the Government highway has been encroached upon by the private respondent who has raised illegal construction therein, thereby obstructing ingress and egress of the petitioner. The petitioner submitted a representation in this regard before the concerned authority on August 16, 2019 and prays for a direction upon the authority to consider the representation at the earliest.

It is submitted by the learned counsel appearing on behalf of the State-respondents that pursuant to such representation submitted by the petitioner, the plot in question has been demarcated and it has been detected that the private respondent has encroached upon public highway. Accordingly notice under Section 10(1) of the

West Bengal Highways Act, 1964 (hereinafter referred to as the “Act of 1964”) has been issued against the encroachers including the private respondent.

In view of the same, this Court is inclined to hold that as proceeding under Section 10 of the Act of 1964 has already been initiated, such proceeding should be directed to be taken to its logical conclusion within a stipulated timeframe.

Accordingly, the writ petition is disposed of directing the State-respondents to take the proceeding under Section 10 of the Act of 1964 to its logical conclusion within a period of three months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition being WPA No. 19754 of 2019 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)