

22.11.2022
rc/ct.no.10
Item No.29

WPA No. 24035 of 2022

Md. Harun All Rashid ...for the Petitioner

Mr. Ansar Mondal
Mrs. Sreelekha Bhattacharjee ...for the State

Mr. Sarwar Jahan
Mr. Asrful Huq
Mr. Maidul Islam Kayal
....for the respondents no. 8&9

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

Heard learned counsels appearing on behalf of the parties.

In an earlier order passed by a coordinate Bench of this Court on 19.11.2019 in WPA No. 20517(W) of 2019, the respondents were directed to dispose of the representation submitted by the petitioners therein within three weeks from the date of order upon giving prior hearing to the petitioners as well as other interested parties.

It is submitted on behalf of the petitioner that though the petitioner is an interested party having shop room in the plot in question, no opportunity of hearing was given to the petitioner in disposing of the representations submitted by the private respondents herein (petitioners in the earlier writ petition). The petitioner has submitted a representation before the concerned authority on

18.10.2022 and prays for direction upon the authority to consider the representation at the earliest. It is further submitted that the notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as “the Act of 1964”) has been served upon the petitioner by the authority.

It is submitted by the learned counsel appearing on behalf of the respondents that since the proceeding under Section 10(1) of the Act of 1964 has been initiated the petitioner shall get an opportunity to place his contention before the authority at the proper time.

Upon consideration of the submission made on behalf of the parties, this Court is of the view that since the petitioner’s complain that no opportunity of hearing was given to him in disposing of the representation submitted before the authority by the private respondents, the representation submitted by the petitioner before the authority on 18.10.2022 be considered in accordance with law.

Accordingly the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation filed by the petitioner on 18.10.2022 within a period of one month from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

It is made clear that pending disposal of the representation, the authority shall continue with the proceeding under Section 10 of the Act of 1964 and take the proceeding to its logical conclusion within three months from the date of communication of this order.

With the above observations and directions this writ petition being WPA No. 24035 of 2022 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)