

21.11.2022
rc/ct.no.10
Item No.56

WPA No. 24392 of 2022

Mr. Dyutimoy Paul ...for the petitioner

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

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

The grievance of the petitioner is that in the order passed on 28.06.2022 it has been wrongly recorded that the petitioner has attempted raising unauthorised construction on Government land. The petitioner seeks to place his entire contention before the concerned authority in the hearing under Section 10(3) of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") and adduce evidence in support of his contention.

It is submitted on behalf of the respondents that the concerned authority, being the respondent no. 3 herein, be directed to consider and dispose of the proceeding under Section 10(3) of the Act of 1963 in accordance with law.

In view of the above the writ petition is disposed of directing the 3rd respondent to take the proceeding under Section 10(3) of the Act of 1964 to its logical conclusion in accordance with law upon affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent as well

as adducing evidence within two months from the date of communication of this order, in accordance with law.

The decision taken by the 4th respondent shall be communicated to the petitioner within a week thereof.

With the above directions, W.P.A. 24392 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)