

WPA 1312 of 2023

Subhasis Panda & Ors.
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey Dhabal
Ms. Sabera Khatun ...for the petitioners.

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

Affidavit of service filed by the petitioners is taken on record.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that the petitioners have constructed a shop room on PWD land and have been running their business therein.

The petitioners submitted an application before the concerned authority on 2nd January, 2023 under Section 8(2) of the West Bengal Highways Act, 1964 for grant of permit to use/occupy the said land temporarily, which is yet to be considered.

The petitioners pray for a direction upon the concerned authority to consider the application at the earliest.

Per contra, it is submitted on behalf of the State respondents that pursuant to an order passed by this Court earlier, demarcation of the plot in question was held by the concerned authority and upon detection of

encroachment thereon by the present petitioners, notice under Section 10(1) of the Act of 1964 has been issued on 10th January, 2023.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since proceeding under Section 10 of the Act of 1964 has been initiated, the concerned authority be directed to consider the application submitted by the petitioner simultaneously along with the proceeding under Section 10 of the Act of 1964.

Accordingly, the writ petition is disposed of directing the 5th respondent to consider and dispose of the application submitted by the petitioners dated 2nd January, 2023 along with the proceeding under Section 10 of the Act of 1964 within a period of two months from the date of communication of this order, upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

With the above observations and directions this writ petition being WPA 1312 of 2023 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.)