

April 19, 2023
(14) ARDR

WPA 1416 of 2023

M/s. C.M.P. Developments Pvt. Ltd.
Vs.
The State of West Bengal & Ors.

Adv. Bapin Baidya,
...for the petitioner.
Adv. Susanta Pal,
Adv. Ananda Dulal Sarkar,
...for the State.

On prayer of the petitioner, leave is granted to correct the designation of the 4th respondent in the cause title.

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

Service upon the 11th respondent has returned with an endorsement “refused” which amounts to good service.

None appears for the private respondents despite service.

It is submitted on behalf of the petitioner that the private respondents have raised unauthorised construction of shop-rooms by encroaching upon a portion of PWD road adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 5th December, 2022.

It is submitted on behalf of both the parties that pursuant to the said representation proceedings under

Section 10 of the West Bengal Highways Act, 1964 has been initiated by the concerned authority.

In view of the above, this Court is inclined to hold that since the proceedings under Section 10 of the Act of 1964 has already been initiated, the concerned respondent is directed to take the proceedings to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

With the aforesaid directions, WPA 1416 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)