

April 24, 2023
(8) ARDR

WPA 2327 of 2023

Sabita Swarnakar
Vs.
The State of West Bengal & Ors.

Adv. Kartick Kr. Bhattacharya,
Adv. Subhas Chandra Dutta,
Adv. Soumashree Dutta,
Adv. Sushmita Das,

...for the petitioner.

Adv. Parashar Baidya,
Adv. Priyankar Ganguly,

...for the respondent nos. 10 to 17.

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

None appears for the State respondent, despite
service.

Mr. Chandi Charan De, who usually appears for the
State and is present in Court today, is requested to
represent the State in this matter.

His appointment be regularised by the office of the
learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ
petition along with annexures thereto upon Mr. De in
course of this day.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that
pursuant to a representation submitted by the petitioner
before the concerned authority alleging encroachment of
PWD road by the private respondents, a letter was issued

by the Assistant Engineer, Plassey Sub-Division, PWD to the Block Land & Land Reforms Officer, Karimpur-I, Shikarpur, Nadia on 23rd December, 2022 requesting demarcation for identification of the allegedly encroached portion of the road.

Learned counsel for the petitioner submits that no further step has been taken by the authority till date. Learned counsel seeks a direction upon the concerned authority to initiate proceedings under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within a stipulated time frame.

It is submitted on behalf of the private respondents that the private respondents filed a writ petition being WPA 8187 of 2023 challenging a notice issued upon them under Section 10(1) of the Act of 1964 and by an order passed on 5th April, 2023 this Court directed the respondents therein to conclude the proceedings initiated by them under Section 10 of the Act within a period of two months from the date of the order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners therein, in accordance with law.

In view of the above, this Court is inclined to hold that since the concerned authorities have already been directed to conclude the proceedings under Section 10 of the Act of 1964 within two months from the date of the

order, i.e. 5th April, 2023 upon affording reasonable opportunity of hearing to all the interested persons including the petitioners in the earlier writ petition, in accordance with law, a similar order needs to be passed in the present writ petition also.

Accordingly, the writ petition is disposed of directing the 3rd respondent to comply with the order passed on 5th April, 2023 in WPA 8781 of 2023 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 2327 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.)