

June 12, 2023
(7) ARDR

WPA 4147 of 2023

Mukul Sekh & ors.
Vs.
The State of West Bengal & ors.

Adv. Jagabandhu Roy,
Adv. GoutamRay,
...for the petitioners.
Adv. Robiul Islam,
Adv. Sk. J. Hossain,
...for the private respondent no.8.
Adv. Ashim Kumar Ganguly,
Adv. Bellal Shaikh,
...for the State.

Report submitted on behalf of the State respondents
is taken on record.

The petitioners have challenged the notice under
Section 10(1) of the West Bengal Highways Act, 1964.

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on 28th
November, 2022 in WPA 5152 of 2022 directing the
concerned authority to consider and dispose of the
representation submitted by the petitioner therein (the
private respondent of the present writ petition),
demarcation of the plots of land was made by the Block
Land & Land Reforms Officer and upon detection of
encroachment therein, notice under Section 10(1) of the
Act of 1964 was issued.

The petitioners submit that they have been
possessing the said plots for more than forty years.

Since the proceeding under Section 10 of the Act of 1964 has been initiated, the proceeding be directed to be concluded within a stipulated time frame. The petitioners shall be afforded an opportunity of hearing by the concerned authority at the appropriate time.

In view of the above, the writ petition is disposed of directing the 3rd respondent to take the proceeding under Section 10 of the Act of 1964 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 petitioners and the private respondent, in accordance with law.

With the aforesaid directions, WPA 4147 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.)