

15.05.2023
rc/ct.no.10
Item No.06

WPA No. 4344 of 2023
Radhanath Ghorai
Vs.
The State of West Bengal & Ors.

Sk. Sahjahan Ali ...for the Petitioner

Mr. Ashim Kumar Ganguly
Mr. Joydip Banerjee ...for the State

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

None appears on behalf of the private respondents despite service.

Heard learned counsels for the parties.

Pursuant to an earlier order of this Court alleging encroachment of PWD road by the private respondents, proceeding under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") was drawn up.

It is submitted on behalf of the petitioner that though proceeding under Section 10(3) of the Act of 1964 is pending before the 4th respondent, the same has not been disposed of as yet.

The petitioner prays for a direction upon the authority to dispose of the proceedings within a stipulated time frame.

It is submitted on behalf of the State-respondents that the 4th respondent be directed to conclude the proceedings in accordance with law.

In view of the above, this writ petition is disposed of directing the 4th respondent to take the proceeding under Section 10(3) of the Act of 1964 pending before him to its logical conclusion within one month 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 above observations and directions this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)