

22.02.2023  
rc/ct.no.10  
Item No.82

**WPA No. 4697 of 2022**

Mr. Sourav Dutta ...for the petitioner

Mr. Souvick Mitra  
Mrs. Subhasri Chatterjee  
...for the respondents no. 8 & 9

Mr. Soumitra Bandyopadhyay  
Mr. Subhasis Bandyopadhyay ...for the State

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

The petitioner claims to be the recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing his ingress and egress. The petitioner has submitted a representation before the concerned authority in this regard on 9<sup>th</sup> February, 2022 which is yet to be considered.

Learned counsel for the State-respondents submits statement of facts which demonstrates that pursuant to the representation submitted by the petitioner, demarcation of the plot was conducted by the authority and upon detection of encroachment thereon, notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") was issued upon the private respondents on 2<sup>nd</sup> November, 2022.

In view of the above, this Court is inclined to hold that since the proceedings under Section 10 of the Act of 1964 has been initiated the concerned authority be directed to take the proceedings to its logical conclusion within a stipulated time frame.

The writ petition is accordingly disposed of directing the 3<sup>rd</sup> respondent to take the proceedings under Section 10 of the Act of 1964 to its logical conclusion within two months from the date of communication of this order after 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)**