

31.01.2023
rc/ct.no.10
Item No.62

WPA No. 6643 of 2022

Mr. Pankaj Halder
Mr. Sanatan Panja
Mr. Tapas Manna ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

Mr. Debabrata Chakraborty
Mr. Soumen Bhattacharjee
Mr. Amal Kumar Dutta...for the private respondents

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

Heard learned counsels appearing on behalf of the parties.

The petitioner alleges that the private respondents have raised unauthorised construction by encroaching upon a Government land adjoining his property, thereby obstructing his ingress and egress. Pursuant to representation submitted by the petitioner in this regard, proceeding under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") has been initiated. The petitioner prays for a direction upon the authority to conclude the proceeding within a stipulated time frame.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the proceeding under Section 10 of the Act of 1964

has been initiated, the concerned authority be directed to take the proceeding to its logical conclusion within a stipulated time frame.

Accordingly, this writ petition is disposed of directing the 4th 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 upon affording reasonable opportunity of hearing to all the interested parties 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)