

WPA 7414 of 2023

Sk. Mojahedul Islam
Vs.
The State of West Bengal & Ors.

Adv. Sk. Toslim ali,
...for the petitioner.
Adv. Soumitra Bandyopadhyay,
Adv. Sobhasis Bandyopadhyay
...for the State.

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

None appears for the private respondents, despite service.

In an earlier writ petition, being WPA 172 of 2021, the petitioner alleged unauthorised construction made by the private respondents on PWD land. By an order passed on 5th March, 2021, a coordinate Bench of this Court directed the concerned authority to consider and dispose of the representation made by the petitioner in this regard after giving reasonable opportunity of hearing to all the necessary parties within a stipulated time frame. The order not being complied with, the petitioner filed a contempt application wherein the concerned authority submitted an affidavit before the Court stating that the private respondents have made unauthorised construction on PWD land. The petitioner submitted a further representation before the concerned authority on 28th February, 2023 requesting necessary action against

the illegal encroachment and unauthorised construction made by the private respondents.

It is submitted on behalf of both the parties that during pendency of the writ petition the representation submitted by the petitioner has been taken into consideration by the concerned authority and notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon the alleged encroachers including the private respondents.

In view of the above, nothing further remains to be adjudicated in the writ petition. However, 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 two months 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 aforesaid directions, WPA 7414 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.)