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jdt.

**05.04.2023**  
jb.

**W.P.A. 7167 of 2022**  
**(Akbar Ali Molla & Ors. vs. State of West Bengal & Ors.)**

**Mohinoor Rahaman**  
**Sk. Abumusa**  
**.... For the Petitioners**

Affidavit of service filed on behalf of the petitioners is taken on record.

None appears for the respondents despite service.

Mr. Chandi Charan De who is present in Court and usually appears for the State is requested to represent the State in this matter. The appointment of Mr. De, learned advocate be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ petition along with annexure thereto to Mr. De in course of this day.

The petitioners claim to be the recorded owners of the plot in question and submit that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD road adjoining their plot, thereby obstructing their egress and ingress. The petitioners submitted a representation before the concerned authority in this regard on 30<sup>th</sup> March, 2022 which is yet to be considered.

Learned counsel for the petitioners submit that during pendency of the writ petition a copy of notice under Section 10(1) of the West Bengal Highways Act, 1964 has been served upon them by the Assistant Engineer, Basirhat Highway Sub-Division, P.W.(Roads) Directorate, Government of West Bengal which demonstrates that such notice has been served upon the private respondent directing him to remove encroachment and restore the highway to its original condition.

It is submitted on behalf of the State respondents that the concerned authority be directed to take the proceeding to its original conclusion in accordance with law.

In view of the above, the writ petition is disposed of directing the concerned respondents 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.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Suvra Ghosh, J.)**