

WPA 8187 of 2023

Swarup Mondal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Parashar Baidya
Mr. Priyankar Ganguly ...for the petitioners.

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

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

Heard learned counsels for the parties.

The petitioners claim to be in possession of the plot in question and submit that they have been conducting their business in the shop rooms existing therein since 1980.

A notice under Section 10 (1) of the West Bengal Highways Act, 1964 was served upon the petitioners on 24th March, 2023 directing them to remove the structures on the land in question and restore the land in its original position within 15 days from the date of issuance of notice.

Learned counsel for the petitioners submits that the concerned officials have threatened to demolish their structures standing on the plot in question without taking further recourse to law.

It is submitted on behalf of the respondents that since proceeding under Section 10 of the Act of 1964 has

been initiated, necessary steps shall be taken in accordance with law.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since proceeding under Section 10 of the Act of 1964 has been initiated, the respondents be directed to conclude the said proceeding in accordance with law upon giving reasonable opportunity of hearing to all the interested persons including the petitioners.

Accordingly, the writ petition is disposed of directing the respondents to conclude the proceeding initiated by them under Section 10 of the Act of 1964 within a period of two months from the date of communication of this order, upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

With the above observations and directions this writ petition being WPA 8187 of 2023 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)