

June 23, 2023
ARDR
(8)

WPA 9108 of 2023

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

Adv. Debrup Bhattacharjee,
Adv. Ritesh Kumar Ganguly,
Adv. Utsa Poddar,

...for the petitioner.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

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

None appears for the respondents, despite service.

Mr. Priyabrata Batabyal, who usually appears for the State and is present in Court today, is requested to represent the State in this matter.

His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioners are directed to serve copy of the writ petition along with annexures thereto upon Mr. Batabyal in course of this day.

Pursuant to a complaint made by the petitioner alleging unauthorised construction made by the private respondent on PWD land adjoining his property, notice under Section 10(1) of the West Bengal Highways Act, 1964 was issued by the Assistant Engineer, PWD, Bangaon Sub-Division on 21st February, 2023.

Learned counsel for the petitioner submits that though the period of the said notice has expired, no further step has been taken by the authority under Section 10 of the Act of 1964.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to take necessary steps under the Act of 1964 in accordance with law.

In view of the above, this Court is inclined to hold that since the proceeding under Section 10(1) of the Act of 1964 has been initiated, the concerned authority, being the 3rd respondent herein, be directed to conclude the proceeding within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 3rd respondent 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 petitioner and the private respondent, in accordance with law.

With the aforesaid directions, WPA 9108 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.)