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jdt.

12.05.2023
jb.

W.P.A. 9380 of 2023

Md. Khadem Ul Islam @ Khadem Ul Islam Mondal & Anr.
vs.
The State of West Bengal & Ors.

Mr. Kartick Kr. Bhattacharyya
Mr. Subhas Ch. Datta
Mr. Soumashra Dutta
.... For the Petitioners

Mr. Susovan Sengupta
Mr. Subir Pal
.... For the State

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

Service upon the private respondent has returned with an endorsement 'refused' which amounts to good service.

None appears for the private respondent despite service.

Pursuant to an order passed by this Court on 2nd December, 2021 in an earlier writ petition being WPA 24452 of 2018, proceeding under Section 10 of the West Bengal Highways Act, 1964 was initiated by the concerned authority and notice was served upon all concerned for hearing under Section 10(3) of the Act of

1964. The petitioners pray for a direction upon the State respondents to conclude the said proceedings within a stipulated time frame.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since proceedings under Section 10 of the West Bengal Highways Act, 1964 has been initiated and notice of hearing under Section 10(3) of the Act of 1964 has been issued, the concerned authority being the 8th respondent herein, be directed to conclude the proceedings within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the stake holders including the petitioners and the private respondent, in accordance with law.

With the above direction, W.P.A. 9380 of 2023 is disposed of.

There shall be, however, 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.)