

06.06.2023  
rc/ct.no.10  
Item No.21

**WPA No. 10241 of 2023**  
**Shipra Ghosh**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Krishnendu Bera  
Mrs. Debolina Chakraborty ..for the Petitioner

Ms. Susmita Saha Dutta  
Mr. Niladri Saha ....for the Private Respondent

Mr. Maloy Singh  
Mr. Tapas Ballav Mandal ...for the State

Affidavit of service filed in Court today is taken on record.

Heard learned counsels appearing on behalf of the parties.

Upon demarcation of the plot in question and detection of unauthorised encroachment thereon by the private respondents notice under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") was issued by the Assistant Engineer, Buniadpur Highway Sub-Division, P.W. (Roads) Directorate, Buniadpur on June 23, 2022. Further notice was issued under Section 10(2) of the Act of 1964 by the State authority on July 22, 2022 following which a proceeding under Section 133 of the Code of Criminal Procedure was initiated by the Sub-Divisional Magistrate, Gangarampur at Buniadpur by an order passed on September 13, 2022. The said proceeding being

misconceived was dropped by a subsequent order dated December 30, 2022.

The petitioner complains that the illegal encroachment has been made on PWD Road adjoining her land thereby obstructing her ingress and egress. The petitioner prays for a direction upon the concerned authority to conclude the proceeding initiated under Section 10 of the Act of 1964.

It is submitted on behalf of the State-respondents that the 4<sup>th</sup> respondent be directed to take necessary steps under Section 10(3) of the Act of 1964 upon granting opportunity of hearing to all the interested persons including the petitioner.

In view of the above, this Court is inclined to hold that since the proceeding under Section 10 of the Act of 1964 has already been initiated, the concerned authority being 4<sup>th</sup> respondent herein be directed to take the proceeding to its logical conclusion within one month 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 above observations and directions this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

**(Suvra Ghosh,J)**