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jdt.

05.10.2023
jb.

W.P.A. 10585 of 2022
(Prasanta Kr. Jana & Anr. vs. State of West Bengal & Ors.)

Mr. Indrajit Biswas
Mr. Rakesh Kr. Pandey
.... For the Petitioners
Mr. Pradip Paul
Ms. Renesa Dey
.... For the Respondent Nos.
6-9, 11-13 and 15-16.
Mr. Chandi Charan De
..... For the State

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

The petitioners complain non-compliance of an earlier order passed by a co-ordinate Bench of this Court on 16th August, 2019 in W.P. No. 15640(W) of 2019 by the State respondents.

By the said order, the learned Court directed the concerned Sub-Divisional Officer to initiate appropriate proceeding under the provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962. Contempt application was filed due to non compliance of the said order and the Court recorded in an order passed on 4th March, 2021 in the contempt application being CPAN 109 of 2021 that the learned

advocate appearing for the alleged contemnor submitted before the Court that the area of encroachment had since been demarcated and found to be under the West Bengal Highways Act, 1964. The concerned authority undertook to initiate proceedings under the West Bengal Highways Act. Such proceeding has not been initiated till date.

In view of the above, the writ petition is disposed of directing the 2nd respondent to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners and the private respondents, 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.)