

July 25, 2023
^{ARDR}
(20)

WPA 15607 of 2021

Dr. Udayan Das
Vs.
The State of West Bengal & Ors.

Adv. Sudip Das
...for the petitioner.
Adv. Santanu Mitra,
Adv. Rama Halдар,
...for the State.

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

None appears for the private respondent despite
service.

On prayer of the petitioner, liberty is granted to
implead the Assistant Engineer, PWD Hooghly
Construction Sub-Division-III, Baliguri, Tarakeswar,
Hooghly, as respondent no.9 in the writ petition.

The cause title of the writ petition be amended
accordingly.

The petitioner claims to be the owner of the plot in
question and complains that the private respondent has
raised unauthorised construction by encroaching upon a
portion of the PWD road adjoining his plot, thereby
obstructing his egress and ingress.

The petitioner submitted several representations in
this regard before the concerned authority seeking
removal the encroachment.

It appears from the supplementary affidavit used on behalf of the petitioner that pursuant to the representations submitted by the petitioner, notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon the private respondent by the Assistant Engineer, PWD Hooghly Construction Sub-Division-III, Baliguri, Tarakeswar, Hooghly on 7th December, 2022.

In such circumstances, this Court is inclined to hold that since proceeding under Section 10 of the Act of 1964 has been initiated by the authority, the concerned authority be directed to take the proceeding to its logical conclusion within a stipulated time frame.

Accordingly, the writ petition is disposed of directing the 9th 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 above directions, WPA 15607 of 2021 is disposed of.

There shall however, 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)