

July 19, 2023
ARDR
(9)

WPA 15061 of 2023

Amit Kumar Halder & anr.
Vs.
The State of West Bengal & Ors.

Adv. Saibal Acharyay,
Adv. Shahan Shah,
Adv. Soumen Barman,
...for the petitioners.
Adv. Soumitra Bandyopadhyay,
Adv. Suchana Banerjee,
...for the State.

Affidavit of service and supplementary affidavit
filed on behalf of the petitioners are taken on record.

Instructions submitted on behalf of the State
respondents is taken on record.

Pursuant to an order passed by this Court on 20th
March, 2023 in WPA 11278 of 2021 directing initiation of
proceedings under Section 10 of the West Bengal
Highways Act, 1964 in the event unauthorised
construction/encroachment upon PWD road or land was
found, proceeding under Section 10 of the Act of 1964
has been initiated and notices under Section 10(1) and
10(2) of the Act have been issued.

It is submitted on behalf of the petitioners that no
opportunity of hearing was granted to the petitioners
prior to issuance of the notice under Section 10(1) of the
Act and though the proceeding under Section 10 of the
Act is pending, the police authorities are threatening to

dispossess the petitioners from their residential unit in the plot in question.

Learned counsel for the State respondents submits that proceeding has been initiated in compliance with the order of this Court.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since proceeding under Section 10 of the Act of 1964 has been initiated, the 5th respondent is directed to take the proceeding 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 petitioners, in accordance with law.

Pending disposal of the proceeding, no coercive step shall be taken against the petitioners in respect of the plot in question by the respondents.

With the above directions, WPA 15061 of 2023 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.)