

15
08.12.2023
Ct. No.10
b.das

WPA 16222 of 2023

Md. Aslam
Vs.
State of W.B. & Ors.

Mr. S. P. Lahiri
Md. Habibur Rahman ...for the petitioner.

Mr. Ayan Banerjee
Mr. Sujit Chatterjee ...for the State.

Md. Nauroz Rahber
Md. Jawwod
Sk. Parvez ...for the private respondents.

Statement of fact submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

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

The petitioner submitted a representation in this regard before the concerned authority on 12th June, 2023 and prays for a direction upon the concerned authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that pursuant to the representation submitted by the petitioner, demarcation of the plot in dispute has been held and upon detection of unauthorised encroachment therein,

proceeding under Section 10 of the West Bengal Highways Act, 1964 has been initiated.

Learned counsel for the private respondents submits that the family members of the petitioner has transferred the plot in dispute in favour of the private respondents and they have acquired title and possession in respect of the said land.

Be that as it may, this Court is of the view that since proceeding under Section 10 of the Act of 1964 has been initiated by the respondent authorities, the concerned authority, being the 4th respondent herein, 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 petitioner and the private respondents, in accordance with law.

With the above observations and directions the writ petition being WPA 16222 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)