

525
20.12.2023
Ct. No.10
b.das

WPA 17288 of 2023

Barnali Jana
Vs.
The State of W.B. & Ors.

Mr. Tamal Taru Panda ...for the petitioner.

Mr. Supratim Dhar ...for the State.

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

None appears for the private respondent despite service.

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondent has 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 7th June, 2023 and prays for a direction upon the concerned authority to consider the representation at the earliest.

Placing reliance on the report submitted on behalf of the State respondents, learned counsel for the State respondents submits that pursuant to the representation submitted by the petitioner demarcation of the plot in dispute was made and upon finding encroachment of the

said plot by several encroachers including the private respondent, proceeding under Section 10 of the West Bengal Highways Act, 1964 has been initiated.

In view of the above, this Court is inclined to hold that since proceeding under Section 10 of the Act of 1964 has been initiated, the concerned authority, being the 4th respondent herein, be 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 respondent, in accordance with law.

With the above observations and directions the writ petition 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.)