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01.12.2023
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W.P.A. 17958 of 2023
(Khadija Begum & Anr. vs. State of West Bengal & Ors.)

Mr. Shibasis Chatterjee
.... For the Petitioners

Mr. Jayanta Samanta
Mr. Dipjyoti Chakraborty
.... For the State

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

None appears for the private respondents despite service.

It is submitted on behalf of the petitioners that pursuant to an earlier order of this Court passed on November 11, 2022 in W.P.A. 7217 of 2022 proceeding under Section 10 of the West Bengal Highways Act, 1964 was initiated against the petitioners, the private respondents of the earlier writ petition as well as the 8th respondent herein who was also impleaded as one of the private respondents earlier. The petitioners submit that the private respondent Nos. 9 to 17 have also raised unauthorised construction by encroaching upon P.W.D. road. The petitioners seek to submit a

comprehensive representation before the concerned authority in this regard and pray for a direction upon the authority to consider the representation at the earliest and initiate proceedings under Section 10 of the Act of 1964.

Learned counsel for the State respondents submits that the 6th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 6th respondent within two weeks from date. The 6th respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law. Since the demarcation of the plot in question has already been made pursuant to an earlier order of this Court, in the event it is found that the private respondents have encroached upon the said land, the 6th respondent is directed to initiate proceeding under Section 10 of the West Bengal Highways Act, 1964 and take the proceeding to its logical conclusion within the time frame mentioned above.

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.)