

526
20.12.2023
Ct. No.10
b.das

WPA 18189 of 2023

Prasanta Maiti & Anr.
Vs.
The State of W.B. & Ors.

Mr. Gautam Guria ...for the petitioner.

Mr. Srinath Singha Roy
Mr. P. K. Tripathi ...for the State.

Mr. Wasim Akram ...for respondent no.12.

Mr. Debasish Das
Mr. Snehasis Jana ...for respondent no.16.

Mr. F. Samim
Ms. Gopa Biswas
Ms. Samprii Saha
Ms. Mohona Das
 for respondent nos.7-11, 14,15,17 & 18.

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

Heard learned counsels for the parties.

The petitioners claim to be recorded owners of the plot in question and complain that the private respondents have raised unauthorised construction by encroaching upon a large portion of the PWD road, thereby obstructing their egress and ingress as well as smooth thoroughfare of the public at large.

The petitioners submitted a representation in this regard before the concerned authority on 3rd February, 2023, which is yet to be considered. The petitioners pray

for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that upon finding encroachment upon the PWD road, notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon all the alleged encroachers including the private respondents herein.

Learned counsel for the private respondent no.16 submits that an application seeking copy of the demarcation report has been submitted before the authority on 13th December, 2023. The respondent seeks consideration of his application by the authority.

Other private respondents claim to have been occupying the plots in dispute for a considerable period of time as street vendors and claim to be entitled to be protected under the Street Vendors Act, 2014.

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 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 petitioners and the private respondents, in accordance with law.

In considering the submission made by the parties, the concerned authority shall also consider the application made by private respondent no.16 submitted before him on 13th December, 2023.

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.)