

527
20.12.2023
Ct. No.10
b.das

WPA 18340 of 2023

Ziaur Rahaman & Ors.
Vs.
The State of W.B. & Ors.

Mr. Mobaidur Hossain ...for the petitioner.

Mr. Supratim Dhar
Mr. Soumyajit Ghosh ...for the State.

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

None appears for the private respondent despite service.

Heard learned counsels for the parties.

The petitioners claim to be recorded owners of the plot in question and complain that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their egress and ingress.

The petitioners submitted a representation in this regard before the concerned authority on 11th July, 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 appears that pursuant to the representation submitted by the petitioners, demarcation of the plot in dispute has been held and upon detection of encroachment

therein, 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 proceedings under Section 10 of the Act of 1964 has been initiated, the concerned authority, being the 6th 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 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.)