

433
22.11.2023
Ct. No.10
b.das

WPA 20316 of 2023

Goutam Polley

Vs.

The State of West Bengal & Ors.

Mr. Sanjib Dutta ...for the petitioner.

Mr. Supratim Dhar

Mr. A. Mukherjee ...for the State.

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

None appears for the private respondents despite service.

Heard learned counsels for the parties.

The petitioner alleges unauthorised construction made by the private respondents on PWD land.

It appears that pursuant to representation submitted by the petitioner, notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon the private respondents upon finding that there has been an encroachment made by the said respondents on PWD land.

Learned counsel for the petitioner submits that no further step has been taken by the authority.

Upon consideration of submission made on behalf of the parties, 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 conclude the proceedings within a stipulated time frame.

The writ petition is accordingly disposed of directing the 6th respondent to take the proceeding under Section 10 of the Act of 1964 to its logical conclusion within six weeks 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.

However, there shall 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.)