

12.12.2023
rc/ct.no.10
Item No.526

WPA No. 22558 of 2023
Snehungshu Das
Versus
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Mrs. Ina Bhattacharjee
Mrs. Mithu Singha Mahapatra ...for the petitioner

Mr. Supratim Dhar
Mr. Amrita Lal Chatterjee ...for the State

Affidavit of service filed by the petitioner and statement of facts filed by the State respondents are taken on record.

None appears for the private respondents despite service.

The petitioner claims to be recorded the owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing his ingress and egress. The petitioner submitted several representations before the concerned authority in this regard and prays for a direction upon the concerned authority to consider the representations at the earliest.

It is submitted on behalf of the State-respondents that pursuant to the representation submitted by the petitioner, demarcation of the plot in dispute has been

made and upon detection of encroachment therein, proceedings 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 the proceeding under Section 10 of the West Bengal Highways Act, 1964 has already been initiated, the concerned authority being the 4th respondent herein be directed to take the proceedings 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 respondents, in accordance with law.

With the above observations and directions this 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)