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jdt.

10.01.2023
jb.

W.P.A. 25032 of 2022
(Bishu Ghosh & Anr. vs. State of West Bengal & Ors.)

Mr. Kallol Basu
Mr. Suman Banerjee
.... For the Petitioners
Mr. Santanu Kr. Mitra
Mr. Ganga Prasad Mukherjee
.... For the State

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

None appears for the private respondents despite service.

Heard learned counsels for the parties.

It is submitted on behalf of the respondents that pursuant to the representation submitted on behalf of the petitioners the alleged encroachment in front of the petitioner's plot has been detected and notice under Section 10(1) of the West Bengal Highways Act, 1964 has been issued upon the alleged encroachers.

In view of the above, this Court is inclined to hold that since proceeding under Section 10(1) of the Act of 1964 has been initiated, the authority be directed to take the proceeding under Section 10 of the Act of 1964 to its logical conclusion within a stipulated time frame, in accordance with law.

The writ petition is disposed of directing the authority concerned being the 2nd and 5th respondents

in the writ petition to take the proceeding under Section 10 of the Act of 1964 to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to the all the interested persons including the petitioners and the private respondents, in accordance with law.

The writ petition is thus disposed of.

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.)