

WPA 26087 OF 2022

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CAN 1 of 2023

14.09.2023

Sl no. 17

Ct no. 2

P.M.

Narendra Pramanik & Ors.

- Vs -

The State of West Bengal & Ors.

Mr. Nilanjan Bhattacharjee

Mr. Arpan Guha,

Mr. Saikat Dey

... for the petitioners

Mr. Suman Ghosh

... for the State respondent.

Heard learned advocates appearing for the parties.

By this writ petition petitioners have challenged the impugned notice under Section 10(1) of the West Bengal Highway Act, 1964 asking the petitioners to remove the alleged encroached structure. The relevant provisions of the Highway Act says that in case of non compliance of the notice under Section 10(1) of the Act, the authority will have to proceed further as per Section 10(2), 10(3) and 10(4) of the Act.

Learned advocate appearing for the State respondents submits that since the notice under Section 10(1) of the Act has not been complied with, the authority has invoked Section 10(2) of the aforesaid Act and further submits that all the due procedure of law will be followed against the

petitioners before taking any coercive action against the petitioners.

Considering such submission of learned advocate appearing for the State respondents this writ petition being WPA 26087 of 2022 is disposed of by granting liberty to the petitioners to participate in the proceeding subsequent to Section 10(1) of the Act in accordance with law.

Report filed by the State respondent be kept with the record.

In view of this order this writ petition along with connected application being CAN 1 of 2023 also stands disposed of.

(Md. Nizamuddin, J.)