

08.06.2023
rc/ct.no.10
Item No.37

WPA No. 27000 of 2022
Abdul Mannan Mali & Ors.
Versus
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman	
Ms. Maria Rahaman	
Ms. Iqra Rahaman	...for the petitioners
Mr. Soumitra Bandyopadhyay	
Mr. Subhasis Bandyopadhyay	...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the private respondents despite service.

The petitioners allege unauthorised construction made by the private respondents on PWD road adjoining their property. It appears that upon demarcation of the plot allegedly encroached upon by the private respondents and detection of encroachment therein, proceeding under Section 10 of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") has been initiated. A coordinate Bench of this Court, by an order passed on August 11, 2022 in WPA No. 16237 of 2022, directed the State authorities to hear the matter afresh and complete the entire exercise within six weeks from the date of the order. Pursuant to the said order, application was made by the Assistant Engineer, Basirhat Highway Sub-Division, P.W.(Road) Directorate to the Sub-Divisional

Officer, Basirhat, North 24-Parganas on August 18, 2022 under Section 10(2) of the Act of 1964.

It is submitted on behalf of the petitioners that the proceeding is still pending.

Learned counsel for the State-respondents submits that the respondent no. 2(a) be directed to complete the proceedings in accordance with law.

In view of the above, this Court is inclined to hold that since the proceeding under Section 10 of the Act of 1964 is pending, the concerned authority being respondent no. 2(a) is directed to take the proceeding to its logical conclusion within one month 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 respondents, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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)