

D/L. 6.
October 3, 2023.
MNS.

WPA No. 27635 of 2022

Sanatan Bhowmik
Vs.
The State of West Bengal and others

Mr. Bhagabat Chaudhuri,
Mr. Subrata Mukherjee

... for the petitioner.

Mr. Rajarshi Basu,
Mr. K. M. Hossain

...for the State.

Mr. Kanai Lal Samanta

...for the respondent no. 8.

1. Learned counsel for the petitioner submits that despite the petitioner having approached the concerned authorities, no steps have yet been taken for removal of unauthorized and illegal encroachment of the private respondents on government property.
2. Learned counsel for the respondent no. 8 submits that his client has no nexus with the present grievance of the petitioner and his name may be expunged.
3. However, learned counsel for the respondent authorities submits that

pursuant to the complaint of the petitioner, appropriate action has been initiated under Section 10(1) of the West Bengal Highways Act, 1964. Subsequently, proceedings have been drawn up under Section 10(2) of the West Bengal Highways Act, 1964 as well. The matter is awaiting final disposal, it is submitted.

4. Upon hearing learned counsel for the parties, it is evident that the allegation levelled by the petitioner as well as the respondent authorities regarding alleged encroachment of government property is against the private respondent nos. 7 and 8. Hence, the respondent no. 8 is not justified in submitting that the said respondent has no connection with the matter.
5. In any event, since due proceeding in accordance with law has already been initiated by the respondent authorities, the grievance of the petitioner is sufficiently addressed.
6. Accordingly, WPA No. 27635 of 2022 is disposed of with the expectation that

the proceedings initiated under Section 10(2) of the West Bengal Highways Act, 1964 by the respondent authorities against the private respondents shall be disposed of and due steps taken pursuant to the order passed therein at the earliest. It is expected that the said proceedings would be disposed of within three working months from date.

7. Needless to say, in the event the private respondents have any grievance against the final order passed in such proceeding, it will be open to the private respondents to take appropriate steps before the concerned appellate authority, as provided in law.
8. A report filed by the State in court today be kept on record.
9. There will be no order as to costs.
10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)