

14
21.08.2023
Ct. No.10
b.das

WPA 27944 of 2022

Krishna Sankar Pal
Vs.
The State of W. B. & Ors.

Mr. Sajal Kr. Ghosh ...for the petitioner.

Mr. Bhaskar Ch. Manna
Mr. Biswajit Manna ...for the respondent No.9.

Affidavit of service filed by the petitioner is taken on record.

None appears for the State respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioners should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioner prays for a direction upon the concerned authority to consider his representation submitted on 11th October, 2022 complaining unauthorised construction made by the private respondent by encroaching upon PWD road adjoining his plot, thereby obstructing his ingress and egress.

It is submitted on behalf of the petitioner as well as the private respondent that pursuant to the representation submitted by the petitioner, proceeding under Section 10 of the West Bengal Highways Act, 1964 was initiated and order has been passed under Section 10(3) of the Act by the Sub-Divisional Magistrate, Egra on 12th April, 2023.

Learned counsel for the private respondent has carried the said order in appeal under Section 10(4) of the Act and by an order passed by a co-ordinate Bench of this Court on 28th April, 2023 in WPA 10225 of 2023, the concerned authorities have been directed not to give effect to the order dated 12th April, 2023 till the appeal is taken up for hearing.

In view of the above, nothing further remains to be adjudicated in the writ petition and as such, the same is accordingly disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)