

05.01.2023
rc/ct.no.10
Item No.19

WPA No. 28495 of 2022

Mr. Debasish Banerjee
Mr. Kartik Kumar Roy ...for the petitioners

Mr. Ashim Kumar Ganguly
Mr. Subrata Das Gupta ...for the State

Affidavit of service as also supplementary affidavit filed by the petitioners and report submitted by the State-respondents in Court today are taken on record.

Pursuant to an order passed by this Court on 20th March, 2019 in W.P.No. 5652(W) of 2019, the Assistant Engineer, PWD, Joynagar Sub-Division took steps for demarcation of the allegedly encroached plot in question and it appears from the report submitted on behalf of the State-respondents that such demarcation has not been completed till date. The petitioners claim to have shop rooms in the plot in question and admit encroachment upon the said plot. The petitioners filed an application before the concerned authority on 1st November, 2022 under Section 8(2) of the West Bengal Highways Act, 1964 praying for a permission to use/occupy the plot in question temporarily. Such application is pending before the authority. The petitioners pray for a direction upon the authority to consider the application at the earliest.

Upon consideration of the submissions made by the learned counsels appearing on behalf of the parties, the

writ petition is disposed of directing 3rd respondent to consider and dispose of the application filed by the petitioners on 1st November, 2022 within a period of one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

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)