

28.03.2024
rc/ct.no.10
Item No.21

WPA No.9388 of 2022
Sushil Gupta & Ors.
Versus
The State of West Bengal & Ors.

Mr. Niladri Saha ...for the Petitioners

Mr. Partha Sarathi Bhattacharjee
Mr. Raju Bhattacharjee ...for the respondent no. 5
Mr. Asim Kumar Ganguly
Mr. Joy Banerjee ... for the State

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

The primary grievance of the petitioners is that after service of notice upon the petitioners under Section 10(1) of the West Bengal Highways Act, 1964 (hereinafter referred to as "the Act of 1964") alleging unauthorised construction made by the petitioners by encroaching upon PWD land, the concerned authority has issued a further notice on April 08, 2022 threatening to remove the allegedly unauthorised construction from the plot in question within a particular time frame. The authority has not taken any steps under Section 10(2) or 10(3) of the Act of 1964.

Learned counsel for the respondents submits that the concerned authority, being the 3rd respondent herein, be directed to conclude the proceedings under Section 10 of the Act of 1964 in accordance with law.

In view of the above, this Court is inclined to hold that since proceedings under Section 10 of the Act of 1964 has been initiated upon service of notice under Section 10(1) of the Act of 1964 upon the petitioners on September 14, 2021, the 3rd respondent is directed to take the proceedings to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, 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)