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jdt.

18.01.2024

jb.

**W.P.A. 12823 of 2023**

**(Jayanta Sadhukhan & Anr. vs. State of West Bengal & Ors.)**

**Mr. Debasis Sur**

**Mr. Angshuman Patra**

**Badruddza Mallick**

**... For the Petitioners**

**Mr. Chandi Charan De**

**Mr. Anirban Sarkar**

**... For the State**

**Mr. Apurba Kr. Ghosh**

**Mrs. Annyasha Chakraborty**

**... For the Respondent No. 11**

Heard learned counsels for the parties.

It appears that the preemption case referred to in the earlier order passed on June 26, 2023 is in respect of a private property whereas the petitioners allege encroachment of a portion of PWD road in front of their property by the private respondent.

The petitioners claim to be the owners of the plot in question and complain that the private respondents have encroached upon a portion of the PWD road adjoining their property by raising unauthorised construction therein, thereby obstructing their egress and ingress. The petitioners submitted an application under Section 10 of the West Bengal Highways Act, 1964 in this regard before the concerned authority on 22<sup>nd</sup> March, 2023 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the application at the earliest.

Learned counsel for the State respondents submits that the 2<sup>nd</sup> respondent be directed to consider the application in accordance with law.

In view of the above, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to consider and dispose of the application submitted by the petitioners dated 22<sup>nd</sup> March, 2023 within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all interested persons including the petitioners and the private respondent, in accordance with law.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Suvra Ghosh, J.)**