

WPA 15263 of 2023

Sk. Ali Hossain & Anr.
Vs.
The State of W.B. & Ors.

Mr. Prosenjit Mukhejee ...for the petitioners.

Mr. Soumitra Bandyopadhyay
Ms. Suchana Banerje ...for the State.

Learned counsel for the State respondents submits that the Executive Engineer, Howrah Highway Division, PWD (Road) Directorate is the relevant authority who has the jurisdiction to initiate proceedings under the West Bengal Highways Act, 1964 for removal of the unauthorised construction as alleged by the petitioners.

On prayer of the petitioners liberty is granted to implead the Executive Engineer, Howrah Highway Division, PWD (Road) Directorate as respondent no.12 in the writ petition. The cause title of the writ petition be amended accordingly.

Since all the State respondents including the 12th respondent are represented, service of further notice upon the 12th respondent is dispensed with.

In view of the observation made in the order passed by a co-ordinate Bench of this Court on October 21, 2020 in WPA 6149 of 2020 as well as in the present writ petition, the petitioners are directed to submit the representation before the 12th respondent along with the copy of this order

as well as the writ petition within 7 days from date. The 12th respondent is directed to consider and dispose of the representation within three months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observation and direction the writ petition is disposed of.

There shall, however, be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)