

16.12.2024

Item No. 22

Crt.No.02

b.r.

WPA 21065 of 2024

Arup Maji

-vs-

The State of West Bengal & Ors.

Mr. Kaustav Chandra Das

Mr. Sk. Sahjahan Ali

.... For the petitioner.

**Mr. Soumitra Bandyopadhyay, Sr.
Govt.Adv.**

Mr. Priyabrata Batabyal

Ms. Suchana Banerjee

.....for the State- Resp. nos. 1 to 7.

Affidavit of service filed in Court today, is
taken on record.

Mr. Kaustav Chandra Das, learned advocate
appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned
Senior State advocate appears for the respondent
nos. 1 to 7.

None appears for the private respondent
no.8.

On the plea of encroachment of a portion of
Public Works Department (PWD) land at the
behest of the private respondent no.8, the
petitioner submits that the appropriate authority
has already initiated proceeding under **Sub-**

Section (3) to Section 10 of the West Bengal Highways Act, 1964. The relevant notice dated **June 11, 2024** is available in the writ petition as **annexure p-6 at page-94** thereto.

Learned counsel for the petitioner submits that pursuant to the said notice hearing has been conducted by the respondent no.5 but the fate of the hearing is unknown to the petitioner as no reasoned order has been served upon it.

In view of the above, the respondent no.5 shall pass and communicate the reasoned order to the petitioner and the private respondent no.8 positively within a period of **four weeks** from the date of communication of this order, if not communicated already.

In the event, the reasoned order further confirms the encroachment, the appropriate authority shall take all necessary and consequential steps to give an immediate effect thereto in accordance with law but positively within a period of **four weeks** from the date of communication of the said reasoned order.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 21065 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)