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jdt.

10.04.2024
jb.

W.P.A. 20800 of 2023
Palan Chandra Das
vs.
State of West Bengal & Ors.

Mr. Debabrata Mondal
.... For the Petitioner

Mr. Chandi Charan De
Mr. Ayan Banerjee
Ms. Suchana Banerjee
.... For the State

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

None appears for the private respondents despite service.

Pursuant to a representation submitted by the petitioner before the concerned authority alleging encroachment of PWD land by the private respondents, proceeding under Section 10 of the West Bengal Highways Act, 1964 has been initiated and notices issued under Section 10(1), 10(2) and 10(3) of the Act. The petitioner seeks a direction upon the authority to conclude the proceeding within stipulated time frame.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the notice under Section 10(3) of the Act of 1964 has been issued at least thrice upon the private respondents, the concerned authority being the 5th respondent herein be directed to take the proceeding to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all

interested persons including the petitioner and the private respondents, in accordance with law.

The writ petition is thus disposed of.

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.)