

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

9 10.12.2024
Sc Ct. no.2

WPA 23460 OF 2024

Alkesh Biswas

Vs.

The State of West Bengal & Ors.

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal.

.... For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal.

.... For the Respondents
State

Affidavit-of-service is already taken on record.

On the last occasion on **October 3, 2024** the hearing was adjourned on the prayer of the private respondent no.10.

Today also when the matter has been taken up private respondent no.10 is not represented.

Mr. Atis Kumar Biswas, learned advocate appearing for the for the petitioner drawing attention to **Annexure-P7 at page 61** to the writ petition submits that, the jurisdictional Assistant Engineer, PWD is of the opinion that, there is an encroachment on the PWD land and the opinion was formed on the basis of the report prepared by the jurisdictional BL&LRO. The document shows that, steps are directed to be taken under **sub-Section (3)** to **Section 10** of the **West Bengal Highways Act, 1964**.

In view of the above, upon prior notice to the private respondent no.10, the respondent no.4 is directed to conclude the **Section 10** proceeding strictly in accordance with law by passing a reasoned order.

The entire exercise shall be carried out and completed by the respondent no.4 positively within a period of **eight weeks** from the date of communication of this order.

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

With the above observations and directions, this writ petition, **WPA 23460 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.)