

February 9, 2024
ARDR (642)

WPA 22932 of 2023

Gopal Gayen & ors.
Vs.
The State of West Bengal & ors.

Adv. Triptimoy Talumder,
Adv. Shamba Chakraborty,
Adv. Abhiraj Tarafdar,
...for the petitioners.
Adv. Bhudev Chatterjee,
Adv. Prasanta Biswal,
...for the respondent no.14.
Adv. Chandi Charan De,
Adv. Reshma Chatterjee,
...for the State.

Affidavit of service filed by the petitioners is taken on record.

The notice issued by the Assistant Engineer, PWD Haldia Construction Sub-Division-I on 29th August, 2023 under Section 10(1) of the West Bengal Highways Act, 1964 upon the petitioners is assailed in the writ petition.

Such notice was issued by the authority pursuant to an order passed by this Court on 16th August, 2022 in WPA 4278 of 2022. In the earlier writ petition, the private respondent herein alleged unauthorised construction made by the petitioners herein by encroaching upon a portion of the PWD road. The notice impugned directs the petitioners to vacate the unauthorised occupation on the PWD land being plot no.2279.

Learned counsel for the petitioners submits that they have not encroached upon any portion of the PWD land and have raised construction in their *raiyati* plot no. 2253.

Since notice under Section 10(1) of the Act has been issued with regard to unauthorised occupation of plot no. 2279 which is PWD land, apprehension disclosed by the petitioners in the writ petition is without any basis. The writ petition being devoid of any merit is liable to be dismissed.

In view of the above, the writ petition, being WPA 22932 of 2023 is dismissed.

Since the notice impugned was issued in terms of an earlier order of this Court, the concerned authority, being the 7th respondent herein, is directed to take the proceeding under Section 10 of the Act of 1964 to its logical conclusion as expeditiously as possible.

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.)