

15.05.2024
court no. 28
serial no. 153
kaushik

WPA 23895 of 2023

Probin Kumar Kha @ Probin Khan
Vs.
The State of West Bengal & Ors.

Mr. Debrup Bhattacharjee
... .. for the petitioners

Mr. Sankar Paul
Mr. Goutam Malik
... .. for the respondent nos. 8 to 13

The petitioner has preferred the present writ petition seeking removal of unauthorised construction of shop room made by the private respondents on PWD land. Notice under Section 10(1) of the West Bengal Highways Act, 1964 was issued by the Assistant Engineer on 3rd November, 2023.

Learned counsel for the petitioner submits that though the period of the said notice has expired, no further steps has been taken by the authority under Section 10 of the said Act.

Since the proceeding under Section 10(1) of the said Act has already been initiated, this court deems it appropriate to direct the concerned authority to conclude the said proceedings within a stipulated timeframe.

Accordingly, the writ petition is disposed of directing the concerned authority to take the proceedings under Section 10 of the said Act to its logical conclusion within two months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons

including the petitioner and the private respondents in accordance with law.

With this aforesaid direction, the present writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Gaurang Kanth, J.)