

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

10.03.2025
Ct. no.2
Sl. 29
Moumita

WPA 4795 of 2025

Nanda Gopal Rudra & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Haradhan Mondal

.... For the Petitioners

Mr. Ayan Banerjee

Mr. Amrit Lal Chatterjee

.... For the State

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

This is a second round of writ litigation.

Mr. Haradhan Mondal, learned advocate appears for the petitioners.

Mr. Amrit Lal Chatterjee, learned State Advocate led by Mr. Ayan Banerjee, learned Senior Advocate appears for the respondent nos. 1 to 7.

The respondent nos. 8 and 9 are not represented.

The petitioners alleged unauthorized construction upon encroachment of PWD land at the behest by the private respondent no. 9.

Pursuant to the direction made by the co-ordinate bench earlier proceeding under **Section 10 of the West**

Bengal Highways Act, 1964 has already been initiated as would be evident from the notice dated **January 30, 2025 Annexure P-13 at page 40** to the writ petition. The proceeding is awaited for its disposal.

In view of the above, the appropriate state authority shall proceed and conclude the said **Section 10** proceeding positively within a period of **eight weeks** from the date of communication of this order. The state authorities shall proceed with the proceeding upon prior notice to the private respondent no. 9, at the stage whatever necessary, after granting him an opportunity of hearing and by passing a reasoned order.

In the event any police assistance is required by the state authority and if such assistance is sought for, the local police authority shall provide all necessary assistance in accordance with law.

It is made clear, that this court has not gone into the merits of the writ petition.

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 4795 of 2025** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)