

S/L 10
04.04.2025
Court. No. 236
Suwayan

WPA 5439 of 2024

Madhumita Khanra
Vs.
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Haritri Roy

...for the petitioner.

Mr. Chandi Charan De, AGP
Ms. Chandana Ghosh

...for the State.

1. The affidavit-of-service as filed today is taken on record.
2. The writ petitioner and the respondents/State are represented by their respective learned Advocates.
3. It reveals from the track consignment that service upon the private respondent no. 13 has been affected. Since the private respondent does not appear despite service this Court proposes to take up hearing of the instant matter in absence of the respondent no. 13.
4. At the time of hearing learned Advocate for the writ petitioner at the very outset draws attention of this Court to page nos. 51 and 52 being a copy of the letter dated 05.01.2024 as written by the writ petitioner addressed to the respondents/authorities. It is submitted that under cover of the said letter it was brought to the notice of the respondents/authorities that the private respondent no. 13 has encroached a portion of the West Bengal State Highway and/or Government land as a result whereof the writ petitioner is facing difficulty for easy egress and

ingress to her residential property. It is submitted further that despite receipt of such letter dated 05.01.2024 the respondents/authorities had taken no steps.

5. In course of his submission Mr. De, learned AGP appearing on behalf of the State submits before this Court that an appropriate order may be passed directing the respondent no. 7/authority to make an enquiry and in the event it is found that the allegation as made by the writ petitioner under cover of her letter dated 05.01.2024 is true, the said respondent no. 7/authority may directed to proceed in accordance with provision of Section 10 of the West Bengal Highways Act, 1964.
6. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties this Court while disposing the instant writ petition directs the respondent no. 7 i.e., the Assistant Engineer, Public Works Department (PWD) Roads, Howrah Highway Division to cause an enquiry in respect of the allegations made by the writ petitioner under cover of her letter dated 05.01.2024 after securing the presence of the writ petitioner as well as the private respondent no. 13 positively within a period of 30 days from the date of communication of this order.
7. It is further directed that in the event the respondent no. 7/authority finds sufficient merit in the allegation of the writ petitioner as made by her under cover of

her letter dated 05.01.2024 the respondent no. 7 is hereby directed to initiate a proceeding under Section 10 of the West Bengal Highways Act, 1964 forthwith and shall conclude the said proceeding positively within a period of 90 days also from the date of communication of this order.

8. Liberty is given to the learned Advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 7.
9. The respondent no. 7 is hereby directed to act on the server copy of this order.
10. With the aforementioned observation, the instant writ petition being WPA 5439 of 2024 is disposed of.
11. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)