

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

44 17.3.2025
Sc Ct. no.2

WPA 5596 OF 2025

Madhai Guin

Vs.

The State of West Bengal & Ors.

Mr. Tarun Kumar Das

.... For the Petitioner

Mr. Sk. Md. Galib

Ms. Sujata Mukherjee.

.... For the State

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

Mr. Tarun Kumar Das, learned advocate appears for the petitioner.

Mr. Sk. Md. Galib, learned Senior Government Advocate appears for the respondent nos.1 to 9.

The private respondent nos. 10 to 14 are not represented, the service shows the notice has been returned with the remark “**Refused**”.

The petitioner complains of encroachment and unauthorized construction on PWD land. Referring to **Annexure-P5** at **pages 31 and 32** to the writ petition learned advocate for the petitioner submits that, proceeding has already been initiated under **Sub-Section (1) to Section 10 of the West Bengal Highways Act, 1964**.

In view of the above, the respondent no.7 and/or other jurisdictional authority shall come to a logical conclusion of the said **Section 10** proceeding strictly in accordance with law by providing opportunity of hearing to the private respondents and upon notice to them at the relevant stages, whenever it is required in law.

The entire exercise shall be carried out and completed by the respondent no.7 and/or other appropriate jurisdictional authority positively within a period of **eight weeks** from the date of communication of this order.

In the event any demolition of encroachment is required, if assistance is sought for by the appropriate State authorities, the local Police authority shall provide all such 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 the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 5596 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.)