

15 07.3.2025
AB Ct. no.2

WPA 6100 OF 2024

Dipak Mondal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sajal Kumar ghosh
... For the Petitioners
Mr. Naba Kumar Das
Mr. Subhabrata Das
... for the State

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

Mr. Sajal Kumar Ghosh, learned counsel appears for the petitioners.

Mr. Subhabrata Das, learned counsel appears for the State.

None appears for the private respondents.

Learned State counsel submits a report dated **August 23, 2024** issued under the signature of the respondent no. 4. Copy of the report is made over to the learned advocate for the petitioners.

Report shows that the proceeding has reached at the stage of **Sub-Section 2 to Section 10** of the **West Bengal Highways Act, 1964** and is resting their at.

In view of the above, upon issuing a prior notice to the private respondents the jurisdictional authority shall conclude the entire **Section 10** proceeding positively within a period of **ten weeks** from the date of communication of this order.

It is made clear that, this Court has not gone into the rival contentions of the petitioners or the private respondents and has not gone into the merits of the writ petition. The parties shall be at liberty to urge their respective points before the jurisdictional authority.

In the event, the encroachment is confirmed, the same shall be removed positively by the appropriate authority within a further period of **four weeks** after completion of the said **Section 10** proceeding.

In the event of removal of encroachment, if the State authority seeks Police assistance the same shall be provided by the local police authority in every respect.

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 6100 of 2024** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)