

Item No.16
03.04.2025
Court. No. 236
GB

W.P.A. 7187 of 2025

Swapan Kumar Seth
Vs.
The State of West Bengal & Ors.

*Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das,
Ms. Babita Pramanik,
Mr. Prosenjit Chongder*

...for the Petitioner.

*Mr. Chandi Charan De, Ld. AGP,
Mrs. Reshma Chatterjee*

...for the State.

1. Affidavit-of-service as filed today is taken on record.
2. None appears on behalf of the private respondent nos.12 and 13, though the respondent nos.1 to 11, that is, the State and its functionaries are represented.
3. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities to initiate a proceeding under the West Bengal Highways Act, 1964 on account of alleged illegal construction and/or encroachment over the highway at the instance of the private respondent nos.12 and 13.
4. In course of hearing learned advocate for the writ petitioner at the very outset draws attention of this Court to page no.66 of the instant writ petition being a copy of the letter dated February 25, 2025 as written by the writ petitioner addressed to the respondent authorities requesting them to take appropriate action against the private respondents towards removal of

the illegal encroachment on Chinsurah Dhaniakhali main road.

5. In course of hearing learned advocate appearing on behalf of the writ petitioner submits before this Court that after receipt of the said letter dated February 25, 2025, the respondent no.3, that is, the Assistant Engineer, P.W.D. Hooghly Construction Sub-Division – I, Cell Building, P.D. Sen Road, Chinsurah Hooghly has already initiated a proceeding under Section 10(1) of the West Bengal Highways Act, 1964 and to that effect notices have already been issued to all concerned.
6. Such being the position, this Court while disposing the instant writ petition directs the respondent no.3 to conclude the entire proceeding under Section 10 of the West Bengal Highways Act, 1964 as initiated pursuant to the notice dated February 25, 2025 by the writ petitioner positively within three months from the date of communication of this order. It is further ordered that the respondent no.3 shall give due opportunity of hearing to the writ petitioner and the respondent nos.12 and 13 and thereafter shall pass a reasoned order in writing and shall communicate the same to the writ petitioner and the private respondent nos.12 and 13 forthwith but positively within the time frame as indicated hereinabove.
7. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this

order to the respondent no.3 for his due compliance.

The respondent no.3 is hereby directed to act on the server copy of this order.

8. With the aforementioned observations, the instant writ petition is disposed of.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)