

26.03.2025

Ct. no.2
Sl. 6
b.r.

WPA 19975 of 2024

Amalendu Dutta & Ors.

Vs.

The State of West Bengal & Ors.

**Mr. Gautam Ray
Mr. Santanu Mukherjee
Mr. Somya Ray**

.... For the Petitioners

**Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.
Mr. Subhasis Bandyopadhhay**

....For the State/respondents

Mr. Nikhil Kumar Gupta

.... For the Co-sharer.

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

Mr. Gautam Ray, learned advocate appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate appears for the State-respondents.

Mr. Nikhil Kumar Gupta, learned advocate appears for one of the co-sharer in the subject property.

None appears for the private respondents.

The petitioners alleged unauthorized construction on a portion of the PWD land at the behest of the private respondent no.9. The documents

at pages-28 to 32 to the writ petition show that the jurisdictional authority has already invoked the provision under **Section 10 to the West Bengal Highways Act, 1964** and the proceeding is now at rest at the stage of **Sub-Section (3) to Section 10 of the 1964 Act.**

In view of the above, the jurisdictional Sub-Divisional Magistrate who has passed the order dated **June 25, 2024 at page-32** to the writ petition shall come to a logical conclusion of the **Section 10** proceeding after granting an opportunity of hearing to the petitioners, private respondents and other co-sharers in the property, if any, and then by passing a reasoned order strictly in accordance with law.

It is made clear that this order shall not create any right or equity in favour of the petitioners or the private respondents or any other co-sharers in the property, if they do not succeed to their respective claims before the jurisdictional authorities strictly in accordance with law.

It is made clear that Court has not gone into the merits of allegation and counter allegation of the parties.

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 19975 of 2024** stands ***disposed of***, without any order as to costs.

This order shall be effected upon payment of the deficit Court Fees on the writ petition since there are three writ petitioners.

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

(Aniruddha Roy, J.)