

D/L
Item 17
01.12.2020
(Video Conference)
Kole/AD

WPA 8941 of 2020

**Sri Mahadeb Giri & Ors.
-Vs.-
State of West Bengal & Ors.**

Mr. Prasenjit Debnath,

...for the petitioners.

*Mr. Soumitra Bandyopadhyay,
Mr. R. Guchait,*

...for the State.

*Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
Mr. Kaustav Bhattacharya,*

...for the respondents no 8 to 11.

The essential grievance of the writ petitioners in this application styled as Public Interest Litigation is that there are encroachments on certain public roads in the District of Purba Medinipur and no steps are being taken for removal of such encroachments.

Learned Advocate appearing for the private respondents submits that the dispute in hand is essentially a civil dispute and the writ petition should be dismissed in limine.

Having heard learned Counsel for the parties, we direct the second respondent, being the District Magistrate, Purba Medinipur, to treat the contents of this writ petition as

a representation made by the writ petitioners and take a reasoned decision thereon in accordance with law within a period of two months from the date of receipt of a copy of this order along with a copy of this writ petition, after affording an opportunity of hearing to all concerned parties including the petitioners and the private respondents. Needless to say that if the District Magistrate finds merits in the complaint raised by the petitioners, appropriate steps will be taken by the District Magistrate to remedy the situation.

We have not gone into the merits of the case. It will be for the District Magistrate to take an informed decision in accordance with law.

Since we have not called for affidavits, the allegations made in this writ petition are deemed not to be admitted.

WPA 8941 of 2020 is accordingly disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of necessary formalities.

(Thottathil B. Radhakrishnan, CJ.)

(Arijit Banerjee, J.)