

24.03.2021
(S/L-25)
Ct.-18
(P. Jana)

(Via Video Conference)

W.P.A. 7695 of 2021

Sujit Kumar Mallick & anr.
-Vs-
The State of West Bengal & Ors.

Mr. Lal Ratan Mandal,
..... For the Petitioners.

Mr. Santosh Kumar Chakraborty,
... For Respondent nos. 5 & 7.

Mr. Chandi Charan De, Adl. G.P.
Mr. Anirban Sarkar,
..... For the State.

Affidavit of service filed in Court today be kept
with the record.

The State is not represented.

Mr. Chandi Charan De, learned Additional Govt.
Pleader and his junior Mr. Anirban Sarkar, learned
advocate are engaged to represent the State, their
appointments be regularized.

The petitioners complain that the private
respondents being respondent nos. 5, 6 and 7 herein,
have encroached upon the PWD land illegally and
have made construction thereon which is causing
inconvenience to the petitioners to get access to their
own lands.

The petitioners gave a representation to the
authorities to take steps for eviction of the alleged
unauthorized occupants from the said land by taking
recourse of Section 10 of the West Bengal Highways
Act, 1964.

The petitioners pray that the appropriate authority may be directed to dispose of the said representation.

Mr. Chandi Charan De, learned Additional Govt. Pleader appearing for the State respondents, submits that the Executive Engineer, Midnapur Highway Division, Public Works Department (Road), Government of West Bengal, the respondent no. 3 herein, is the appropriate authority to consider the said representation of the petitioners.

WPA 7695 of 2021 is disposed of by requesting the respondent no. 3 to consider and dispose of the said representation of the petitioners appearing at page 45 of the writ petition being Annexure "P-2" in accordance with law by a reasoned order within a period of three months from the date of communication of this order after giving the petitioners and the respondent nos. 5, 6 and 7 an opportunity of hearing.

The petitioners are required to serve a complete copy of the writ petition along with the copy of this order upon the respondent no. 3 within two weeks from the date of communication of this order.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)