

05.10.2021
jb.

W.P.A. 7729 of 2021
Arabinda Kumar Das
vs.
State of West Bengal & Ors.

Mr. Debasish Das
.... For the Petitioner

Mr. Ansar Mondal
Mr. S. Mitra
.... For the State

Mr. Indranil Nandi
Mr. Deba Prasad Samanta
Mr. Sayak Konar
.... For the Respondent No. 12

The petitioner's grievance is that the private respondent has constructed his house by encroaching upon a portion of Haldia-Tamluk highway (Tamluk-Haldia Road). The petitioner submitted two separate representations ventilating his grievance before the State authorities on 18th February, 2021 and 24th February, 2021. But the said representations have not been considered as yet.

The private respondent is represented and submits that this respondent has

constructed his house in compliance with building rules and sanctioned plan granted by Tamralipta Municipality. Referring to the sketch map, learned counsel for this respondent submits that there has been no encroachment upon either the petitioner's land or Government land and this writ petition is false and frivolous. Copy of the sketch map filed by this respondent is kept on record.

State respondents submit that demarcation of the land belonging to the State should be done in order to dispose of the representations filed by the petitioner. Report filed by the State is taken on record.

Having considered the submissions made by the parties and material on record, I dispose of the writ petition with a direction upon the respondent No. 7 to consider and dispose of both the representations filed by the petitioner within a period of three months from the date of communication of this order after giving an opportunity of hearing to all the affected parties including the petitioner and the private respondent, in accordance with law. The respondent No. 7

should consider causing demarcation of the land in question in order to ascertain the portion of the land held and occupied by the State authorities.

W.P.A. 7729 of 2021 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)