

**25**  
**06.12.2021**  
Ct. No.10  
**b.das**

**W.P.A. 16979 of 2021**

**(Via Video Conference)**

Durgadas Basu Mullick & Ors.  
Vs.  
State of W.B. & Ors.

Mr. Asit Kr. Bhattacharjee  
...for the petitioner.

Mr. Sirsanya Bandyopadhyay  
Mr. A. K. Nag ...for the State.

Mr. Soumya Majumder  
Ms. Sanjukta Dutta  
...for respondent No.7 & 8.

Heard learned counsels for the parties.

Affidavit of service filed on behalf of the petitioners be  
taken on record.

The petitioners' grievance is that the private  
respondents have raised unauthorized construction on  
PWD (Road) by obstructing the egress and ingress of the  
petitioners.

The petitioners' complained before the appropriate  
authority for redressal of their grievance and a notice was  
also submitted before the authority by the learned counsel  
for the petitioners. Such application has not been  
considered by the authority. Admittedly, no representation

was submitted before the authority by the petitioners in this regard.

It is submitted on behalf of the private respondents that the respondents have raised construction on their own land and there has been no encroachment as alleged.

Learned counsel appearing for the State submits that the petitioners may submit a representation ventilating their grievance before the State authorities, which shall be given due consideration.

Having considered the submissions made on behalf of the parties and material on record, the writ petition is disposed of with liberty to the petitioners to submit a representation ventilating their grievance before the 4<sup>th</sup> respondent within a fortnight from date.

The 4<sup>th</sup> respondent shall consider and dispose of such representation within three months from the date of receipt thereof after giving reasonable opportunity of hearing to all the interested parties including the petitioners and private respondents, in accordance with law.

With the above observations and directions this writ petition WPA 16979 of 2021 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

**(Suvra Ghosh, J.)**