

21.12.2021
rc/ct.no.10
Item No.27

WPA No. 19040 2021
Mansur Ali & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Mukhopadhyay
Mrs. Koushikee Banerjee ...for the petitioners

Mr. Chandi Charan De ...for the State

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

None appears on behalf of the State-respondents despite service of notice.

Mr. Chandi Charan De, Advocate who usually appears on behalf of the State and is present in Court is requested to represent the State in this matter. His appointment be regularised by the learned Legal Remembrancer.

The grievance of the petitioners is that in the garb of metaling the unmetaled road in front of the petitioners' house, the State-respondents have deviated from their plan and are doing the said work by encroaching upon the petitioners' land though the said land has not been acquired. The petitioners submitted representation dated November 30, 2021 (Annexure P-4 to the writ petition) before the concerned authority ventilating their grievance but such representation has not been considered. The petitioners pray for a direction upon the concerned authority to consider the representation and to refrain

from continuing with such work till their representation is considered.

It is submitted by the learned counsel appearing on behalf of the State-respondents that the representation filed by the petitioners may be considered by the concerned authority within a period of one month from date.

Upon consideration of the submissions made by the learned counsels appearing on behalf of the parties and the material on record, the writ petition is disposed of by directing the respondent no. 5 to consider and dispose of the representation dated November 30, 2021 (Annexure P-4 to the writ petition) filed by the petitioners within a period of one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioners, in accordance with law.

Pending disposal of the said representation, the respondents are restrained from continuing with any further construction/encroachment in the land of the petitioners.

With the above observations and directions the writ petition being WPA No.19040 of 2021 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)