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jdt.

22.12.2021
jb.

W.P.A. 20850 of 2019
(Md. Amjad vs. State of West Bengal & Ors.)

Mr. Kajal Ray

.... For the Petitioner

Mr. Amitesh Banerjee

.... For the State

Mr. Prasenjit Debnath

.... For the Respondent Nos.4-8

Parties are represented.

Heard learned counsels for the parties.

The contention of the petitioner is that he along with his brother have acquired right, title and interest in respect of 19 decimals of land by the side of Chinsurah Dhaniakhali Road situated at L.R. Dag No. 2076, L.R. Khatian No. 892/1 J. L. No. 62 in Mouza Kashwara under Police Station Polba and Gram Panchayet Amnan and have been possessing the same. The petitioner has alleged that the private respondents are raising illegal construction by encroaching upon P.W.D. Road which is adjacent to the petitioner's plot,

thereby causing damage to the petitioner's plot and obstructing his egress and ingress. The petitioner has submitted representations in this regard before the Authority, which are yet to be disposed of. The petitioner prays for a direction upon the concerned Authority to consider his representations at the earliest.

It is submitted on behalf of the private respondents that they have raised construction in the land acquired by them and have not encroached any part of the Government land.

Learned counsel for the private respondents submits that a title suit is pending between the parties wherein a decree for declaration of right, title and interest of the private respondents has been sought.

It appears from the copy of the plaint of the title suit being T.S. 423 of 2019 produced by the private respondents that the property involved in the title suit is Dag No. 2075 which is not the subject matter of the present writ petition.

Upon consideration of the submissions made by the parties, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representations filed by the petitioner dated 16th

September, 2019 within two months from the date of communication of this order after affording reasonable opportunity of hearing to the interested parties including the petitioner, in accordance with law.

W.P.A. 20850 of 2019 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.)