

11/02/2021
Item No.64 DL
Court No.38
S. DE

Through Video Conference

W.P.A. 10808 of 2020

**Tapan Kumar Manna & Anr.
-Vs-
The State of West Bengal & Ors.**

Mr. Udaynarayan Betal ...for the petitioners.

Mr. Debjit Mukherjee
Mr. S. Chatterjee
Mr. Kaustav Bhattacharyya ...for the
respondent nos. 8, 10, 12, 14 & 16
to 19.
Mr. R. Basu
Mr. S.T. Mina ...for the State Respondents.

The grievance of the petitioners is that the private respondents have encroached upon Government land which is adjacent to the petitioners' land thereby obstructing ingress to and egress from the property of the petitioners.

Learned advocate appearing for the private respondents submits that his clients have been in possession of the land in question for about sixty years and they have been permitted to do so by the administration.

I do not wish to go into such controversies. The petitioners have made a representation dated September 22, 2020 addressed to various officers in the administration including the Executive Engineer,

Irrigation and Waterways Directorate, who is the third respondent herein.

Learned advocate appearing for the State submits that it would be appropriate for the third respondent to look into the representation of the petitioners.

Accordingly, I direct the third respondent being the Executive Engineer, Irrigation and Waterways Directorate, West Midnapur to consider the petitioners' representation dated September 22, 2020 (annexure P-3 to the writ petition) and dispose of the same by a reasoned order in accordance with law within a period of eight weeks from the date of receipt of a copy of this order along with a copy of the writ petition, after giving an opportunity of hearing to the petitioners, the private respondents or their authorised representatives. The question of alleged encroachment by the private respondents and also the question of the access to the property of the petitioners being obstructed, shall be gone into by the third respondent. The decision taken by the third respondent shall be communicated to the parties within a week from the date of the decision.

I have not gone into the merits of the petitioners' case. It will be up to the third respondent to take an informed decision, in accordance with law. If the third respondent finds merit in the grievance of the

petitioners, appropriate remedial action will be taken by the concerned respondent, in accordance with law.

Since no affidavit-in-opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted.

W.P.A. 10808 of 2020 is, accordingly, disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Arijit Banerjee, J.)