

January 19, 2022
ARDR
(37)

WPA 713 of 2022

Shipra Debnath
Vs.
West Bengal Highway Development
Corporation Ltd. & Ors.

Sk. Rejaul Alam,
Ms. Anupama Yasmin,
...for the petitioner.
Mr. Chandi Charan De,
Mr. Anirban Sarkar,
...for the State.

It is contended on behalf of the petitioner that he is a *raiyat* in respect of the plot in question and has been possessing the same. Notice under Section 10(1) of the West Bengal Highways Act, 1964 was issued upon him on September 27, 2021 by the Project Director (V), WBHDCL directing him to remove unauthorised construction on the said plot. The petitioner complains that the plot in question belongs to him and the question of any unauthorised construction on the said plot does not arise. The petitioner submitted a representation to that effect before the authority on 9th November, 2021 which is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the said representation at the earliest.

Having considered the submissions made on behalf of the parties and material on record, the writ

petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner dated 9th November, 2021 within a period of two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

Pending disposal of the representation, let there be an order of stay of the notice dated September 27 2021.

WPA 713 of 2022 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)