

WPA 1284 of 2022

Soudamini Mahesh
Vs.
The State of West Bengal & Ors.

Mr. Kaushik Dey,
Mr. Soumajit Mishra,

...for the petitioner.

Mr. Chandi Charan De,
Mr. Haripada Maity,

...for the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner complains that the State respondents are laying a drain through the plot of land owned and occupied by the petitioner without knowledge and consent of the petitioner. The petitioner approached the authority for stopping such construction but to no effect. The petitioner submitted a representation before the authority in this regard on 19th January, 2022 which is yet to be disposed of. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest and also for an order restraining further construction in the property till disposal of the representation.

Upon consideration of the submissions made on behalf of the parties and material on record, this Court is of the view that as the petitioner alleges construction of a drain through her land without her consent or

knowledge, by the State respondents, the representation submitted by the petitioner in this regard should be disposed of by the concerned authority before any further construction is carried on in the property of the petitioner.

Accordingly, the writ petition is disposed of directing the 7th respondent to consider and dispose of the representation submitted by the petitioner dated 19th January, 2022 within a month 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 no further construction of drain in the plot in question by the State respondents.

With such directions, WPA 1284 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)