

08.07.2022
rc/ct.no.10
Item No.29

WPA No. 3758 of 2022

Md. Mokaram Hossain
Mr. Sandipan Maity ...for the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay ...for the State

Mr. Abhijit Sarkar
Mr. Raja Biswas ...for the private respondents

Affidavit of service filed in Court today is taken on record.

The grievance of the petitioners is that the private respondents are raising illegal construction encroaching upon a portion of PWD road, thereby obstructing the ingress and egress of the petitioners. The petitioners filed a representation before the concerned authority on 08.02.2022 which is yet to be disposed of. The petitioners pray for consideration of the said representation by the concerned authority at the earliest.

It is submitted by the learned counsel appearing on behalf of the State-respondents that the concerned authority may be directed to consider the representation in accordance with law.

It is submitted by the learned counsel appearing on behalf of the private respondents that no such encroachment, as alleged, has been made by the private respondents on Government property.

Considering the submission made by the learned counsels appearing on behalf of the parties and material on record, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation filed by the petitioners on 08.02.2022 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioners and the private respondents, in accordance with law.

With the above observations and directions this writ petition 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)