

9.9.2022
Sl.No.27
sn

WPA 4107 of 2019

Shampa Biswas
Vs.
The State of West Bengal & Ors.

Mr. Atis Kumar Biswas
..for the petitioner
Mr. Amitava Chowdhuri
Ms. M. Chowdhuri
Mr. N. Roy **..for the Zilla Parishad**

The petitioner alleges that there is an encroachment on a government land which had blocked ingress and egress to dag nos. 691 and 692, mouza Rudranagar, J.L.No. 49, District Nadia.

The petitioner is not sure as to whether the said land is under the Public Works Department or under the Highways Division.

It appears that several letters were written to the administrative heads including the Sub Divisional Officer, Sabhadipati of the Zilla Parishad, the Block Development Officer, Tehatta-II Block and the Public Works Department.

None of the authorities have paid any heed to the allegation of the petitioner.

The petitioner has been complaining since November, 2018, on the issue.

It appears that an enquiry was conducted by the Public Works Department on January 21, 2019 but no steps were taken. Apart from the Zilla

Parishad, none of the other authorities are represented.

As this Court is not inclined to pass any mandatory directions as prayed for, but is relegating the matter back to the authorities for a decision on the representation of the petitioner dated November 15, 2018, this writ petition is disposed of in the absence of the non-appearing respondents.

The petitioner shall serve a copy of the writ petition upon the District Magistrate, Nadia along with a server copy of this order. The District Magistrate, Nadia by making an enquiry shall ascertain who would be the competent authority to redress the grievance of the petitioner. The matter shall be referred to the said authority, by the District Magistrate, Nadia.

Although, the allegation is in respect of the alleged unauthorized construction by the respondent no.11, the disputed questions of facts cannot be ascertained by the Writ Court and hence this Court is not entertained the writ petition on its merits.

The issue raised by the petitioner shall be decided independently, by the competent authority on reference by the District Magistrate. The authority empowered to take steps as per the relevant law upon hearing all the parties, including

the respondent no.11, shall decide the issue independently.

Needless to mention, principles of natural justice should be followed and the procedure laid down by law, shall be adhered to.

As no affidavit in opposition has been called for, the allegations against the respondents including the respondent no.11 are deemed to be denied.

The entire exercise shall be completed within a period of six months from the date of receipt of a copy of this writ petition along with a server copy of this order.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)