

15.07.2022
rc/ct.no.10
Item No.21

WPA No. 6149 of 2022

Mr. Shamim Ahemed ...for the petitioner

Mr. L.M.Mahata
Mr. Ayan Banerjee ...for the State

Mr. Sarwar Jahan
Mr. Anisur Rahaman
Mr. Maidul Islam Kayal
...for the respondents no.6,13&14

Mr. Sumit Naskar ...for the respondent no.11

It is informed by the learned counsel appearing on behalf of the respondents no. 6, 13 and 14 that the respondent 12 has expired during pendency of this writ petition.

On the prayer of the learned counsel appearing on behalf of the petitioner liberty is granted to the petitioner to expunge the name of the respondent no. 12 from the cause title of this writ petition.

The cause title of this writ petition be amended accordingly.

It is contended by the learned counsel appearing on behalf of the petitioner that the plot of land owned by the petitioner is adjoining a canal beside which a PWD road exists. The petitioner has alleged that the private respondents have raised a fence on a portion of the said road, thereby obstructing the egress and ingress of the petitioner. Though the petitioner has constructed a

culvert over a portion of the canal for his ingress and egress to/from the said road upon obtaining permission from the concerned authority, he is unable to utilise the same due to obstruction raised by the private respondents.

It is submitted by the learned counsel appearing on behalf of the private respondents that the respondents have put up a fence in the land owned and occupied by the respondents and the petitioner, in fact, is claiming easement right through the said land despite having a separate route for ingress and egress.

Learned counsel appearing for the State-respondents submits that the petitioner may be directed to submit a comprehensive representation before the authority who shall decide the same in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 3rd respondent ventilating his grievance within 7 seven days from date. The 3rd respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof after affording reasonable opportunity of hearing to all the interested parties including petitioner and the private respondents, in accordance with law.

The decision taken by the 3rd respondent shall be communicated to the petitioner and the private respondents within a week thereof.

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)