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jdt.

24.11.2022
jb.

W.P.A. 7353 of 2022
(Saroj Sau & Others vs. State of West Bengal & Ors.)

Mr. Vivekananda Bose
Mr. Sagnik Mukherjee
.... For the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
.... For the State

Heard learned counsels for the parties.

The petitioners complain of encroachment of portions of their plots of land by the State respondents for construction of embankment.

It appears from the report submitted on behalf of the State respondents that the land of the first petitioner is involved in the scheme of construction of river bank of Rupnarayan river, but the quantum of land utilised for the purpose is not stated. The petitioners seek to submit a comprehensive representation before the concerned authority for determination of the quantum of land of the first petitioner utilised for the project and also as to whether any land belonging to the other petitioners have been

utilised for the purpose and if so, the quantum of such land.

The petitioners seek a direction upon the authority to consider the representation within a stipulated time frame.

It is submitted on behalf of the respondents that the 9th respondent be directed to consider the representation submitted by the petitioner, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation stating their contention as made out in the writ petition before 9th respondent within two weeks from date. The 9th respondent be directed to consider and dispose of the representation submitted by the petitioners within three months from the date of receipt thereof upon granting reasonable opportunity of hearing to all the interested persons, including the petitioners, in accordance with law. In considering the said representation the concerned authority shall take into account the quantum of land of the first petitioner which is admittedly utilised by the respondents for the purpose of construction of embankment and also whether plots or any portion thereof of the other petitioners have been utilised for the said project and if so, the quantum thereof.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the petitioners shall be at liberty to place their contention before the authority at the time of hearing.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)