

S/L 41
01.12.2022
Court. No. 12
Suwayan

WPA 9061 of 2019

**Debasish Adak
Vs.
The State of West Bengal & Ors.**

*Mr. Subir Sabud
Mr. Samirul Sardar*

...for the petitioner.

Mr. Rama Haldar

...for the State.

Learned Advocate for the writ petitioner and learned Advocate for the state/respondent, i.e., respondent No. 1 to 6 are present.

None appears on behalf of the private respondent Nos. 7 and 8 despite service.

The present writ petition is now taken up for hearing.

In support of the instant writ petition learned Advocate for the writ petitioner submits before this Court that at the behest of the private respondents a construction is going on over government land in Plot No. 1150, Khatian No. 1472, within Mouza – Faridpur, Police Station – Kolaghat, District – Purba Medinipur and that the said land is situated just in front of the writ petitioner's landed property and the said government land is being used as a pathway for egress and ingress of the writ petitioner and his family members for a considerable length of time and on account of such illegal construction the present writ petitioner and/or his family members have been prevented from making such egress and

ingress. It is further contended that in order to stop such illegal construction several representations were made with respondent/State authorities, but all in vein and finding no other alternative the present writ petitioner had approached this court for appropriate relief.

Learned Advocate for the State submits that he has not received proper instruction from the officials of the State/respondents.

On perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the parties it reveals that the instant writ petition is pending since 2019. This Court cannot sit over the matter without doing anything on the plea that the state/respondents have not given proper instruction to their learned Advocate.

In view of such, this Court dispose of the instant writ petition in the manner indicate hereunder.

It is directed that the respondent No. 4, i.e., B.D.O., Kolaghat Block, P.O. Kolaghat shall consider the instant writ petition as a representation of the writ petitioner and after giving an opportunity of being heard to the writ petitioner shall pass a reasoned order on such representation positively within a period of 8 weeks from the date of communication of this order.

It is made clear that the time limit as fixed by this Court is mandatory.

With the abovementioned observation, the instant writ petitioner being WPA 9061 of 2019 is disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)