

WPA 11227 of 2022

Mudashar Hossain
Vs.
The State of W.B. & Ors.

Mr. S. Sanyal
Ms. P. Chakraborty ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. P. Batabyal ...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

On prayer of the petitioner, liberty is granted to correct the designation of the 8th respondent in the cause title of the writ petition. The cause title be amended accordingly.

The petitioner claims to be recorded owner of the plot in question which was purchased by him from the Indian Bank, Galsi Branch. There was an auction sale invited by the Bank conducted upon failure of the private respondents to pay the loan amount due to the Bank.

The petitioner complains that after purchase of the plot by the petitioner, the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD highway, thereby obstructing the egress and ingress of the petitioner.

The petitioner intends to submit a comprehensive representation ventilating his grievance before the 8th respondent and prays for a direction upon the 8th respondent to consider his representation at the earliest.

It is submitted by the learned counsel for the petitioner that pursuant to an earlier representation submitted by the petitioner, notice under Section 10 of the West Bengal Highways Act, 1964 has been issued by the authority upon the alleged encroachers and enquiry has been held in this regard on 6th July, 2022.

It is submitted on behalf of the State respondents that the 8th respondent may be directed to consider the representation submitted by the petitioner in accordance with law.

Upon consideration of the submissions made on behalf of the parties, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation ventilating his grievance before the 8th respondent within a week from date. The 8th respondent is directed to consider and dispose of the writ petition within a period of two months from the date of receipt thereof after granting reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent, in accordance with law.

With the above observations and directions, the writ petition being WPA 11227 of 2022 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)