

January 04, 2022

ARDR

(8)

WPA 12712 of 2021

Chandra Nath Ganguly

Vs.

The State of West Bengal & Ors.

Ms. Sohini Chakraborty,

Mr. Subhas Chandra Dutta,

...for the petitioner.

Mr. Ashis Guha,

Mr. Naren Ghosh Dastidar,

...for the State.

Affidavit of service filed by the petitioner is taken on record. Report filed by the State respondents is also taken on record.

None appears on behalf of the private respondents despite service of notice.

It is submitted on behalf of the petitioner that the private respondents have raised illegal construction by encroaching upon P.W.D road and have thereby obstructed ingress and egress of the petitioner. The petitioner submitted a representation before the Assistant Engineer, Director of Public Works (Road) Nadia in this regard on 16th December, 2020 which is yet to be disposed of. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It appears from the report submitted on behalf of the State respondents that it is yet to be determined as

to whether the temporary constructions are on Government land or not.

Upon consideration of the submissions made on behalf of the parties and material on record, this Court is of the view that the representation submitted by the petitioner ought to be considered by the concerned authority who shall assess whether the alleged construction has been raised on Government land and shall take necessary steps for removal of the same.

Accordingly, the writ petition is disposed of directing the second respondent to consider and dispose of the representation filed by the petitioner dated 16th December, 2020 within a period of two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents, in accordance with law.

The decision taken by the second respondent shall be communicated to the petitioner within a week thereof.

The WPA 12712 of 2021 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)