

WPA 15030 of 2021

(Via Video Conference)

Emdarul Haque & Ors.
Vs.
State of W. B. & Ors.

Mr. Dyutiman Banerjee
Ms. P. Chakraborty ...for the petitioners.

Mr. Ansar Mandal
Ms. S. Bhattacharya ...for the State.

Ms. Rima Das ...for the private respondents.

Heard learned counsels for the parties.

The supplementary affidavit filed on behalf of the petitioners demonstrates that a title suit being No.217 of 2021 filed by the petitioners over the same issue has been withdrawn on 10th February, 2022.

The grievance of the petitioners is that the private respondents have raised illegal construction by encroaching upon the PWD land, thereby obstructing the egress and ingress of the petitioners.

The petitioners submitted a representation on 19th April, 2021 before the concerned authority in this regard which is yet to be disposed of. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the plot in question is part of the highway and the matter is governed by the West Bengal Highways Act, 1964.

Learned counsel for the private respondents submits that the plot in question is occupied by the private respondents for more than 40 years and besides the private respondents, the land is occupied by more than 800 persons including the petitioners, who have shop rooms therein. The petitioners have sold out their shop room to other persons in the meantime.

Having considered the submissions made on behalf of the parties and material on record, this Court is of the view that the representation submitted by the petitioners before the concerned authority should be disposed of by the authority on merits within a stipulated time frame.

Accordingly, the writ petition is allowed directing the 5th respondent to consider and dispose of the representation submitted by the petitioners dated 19th April, 2021 within a period of three months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents, in accordance with law.

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

With the above observations and directions this writ petition being WPA 15030 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)