

January 20, 2022
ARDR
(8)

WPA 15339 of 2021

Asura Bibi & ors.
Vs.
The State of West Bengal & Ors.

Mr. Suryaneel Das,
Mr. Susovan Sengupta,
...for the petitioners.
...for the State.

It is submitted on behalf of the petitioners that a huge stretch of land including waterbody belonging to the petitioners have been illegally handed over to strangers who have filled up the waterbody and have been raising illegal construction therein. The petitioners submitted a representation before the concerned authority ventilating their grievances on 24th August, 2021, which is yet to be disposed of. The petitioners pray for a direction upon the authority to dispose of their representation after granting them an opportunity of hearing.

It is submitted on behalf of the State respondents that the petitioners primarily challenge the mutation of the property in the name of others and classification of land has been completed. The petitioners' remedy lies before the concerned authority and not before the Writ Court.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that the

concerned authority may be directed to consider the representation submitted by the petitioners and pass a reasoned order thereto.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioners dated 24th August, 2021 within a period of two months from the date of communication of this order after granting reasonable opportunity of hearing to all the parties including the petitioners, in accordance with law.

WPA 15339 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.)