

WPA 16610 of 2021

(Via Video Conference)

Md. Sarwar Jahan
Md. Ashraful Huq
Mr. B. Shaw

...for the petitioner.

Mr. Subrata Datta
Mr. D. Sarkar

...for the State.

Mr. Purnendu Das
Mr. M. Manna

...for the private respondent.

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

The petitioner complains that the private respondent has raised illegal construction by encroaching upon the State highway, adjoining the property of the petitioner, thereby obstructing the egress and ingress of the petitioner.

The petitioner submitted a representation before the concerned authority in this regard on 28th April, 2021 which is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the private respondent submits that the private respondent has constructed shop room in the plot in question by encroaching upon a portion of the

State highway and runs his business for more than 40 years. The business is his only source of livelihood.

Having considered the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 7th respondent to consider and dispose of the representation submitted by the petitioner dated 28th 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 petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition being WPA 16610 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.)