

26.09.2022
rc/ct.no.10
Item No.120

WPA No. 15936 of 2022

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee ...for the petitioner

Mr. Ansar Mondal
Mrs. Sreelekha Bhattacharjeefor the State

Affidavit of service filed in Court today is taken on record.

The petitioners claim to be the owners of the plot in question and the predecessors of the petitioners filed a title suit before the Civil Court being Title Suit No. 112 of 1994 praying for a decree for permanent injunction restraining the defendants (State of West Bengal) from disturbing their peaceful possession in respect of the said property. The suit was decreed in favour of the said predecessors of the petitioners and the defendant/ Government of West Bengal was restrained from interfering with their peaceful possession in respect of the property. The State preferred an appeal against the said judgment which was dismissed on contest by a judgment passed on 19.08.2008 in Title Appeal No. 98 of 2006. The petitioners complain that the respondents have allotted the plot in question in favour of the private respondents holding the same to be vested land. The petitioners submitted a representation before the concerned authority in this regard on 08.07.2022 which is

yet to be disposed of. The petitioners pray for a direction upon the authority to consider the said representation at the earliest.

It is submitted on behalf of the State-respondents that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation dated 08.07.2022 of the petitioner in the light of the observation made in the judgment passed on 17.05.2006 in Title Suit No. 112 of 1994 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, in accordance with law.

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

Pending disposal of the representation, there shall be an order of status quo upon both the parties in respect of the possession of the property in question as on this date.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)