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jdt.

18.11.2022  
jb.

**W.P.A. 16580 of 2022**  
**(Babulal Barik vs. State of West Bengal & Ors.)**

**Mr. Amit Bikram Mahata**  
.... For the Petitioner  
**Mr. Ashim Kr. Ganguly**  
**Mr. Joydeep Banerjee**  
**Mr. Mukul Biswas**  
.... For the State  
**Mr. S. M. Hossain**  
**Mr. Anupam Yasmin**  
.... For the Haldia Municipality  
**Mr. Shalil Kr. Maity**  
**Ms. Jayatri Basu Roy**  
.... For the Respondent Nos. 3-4

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

The petitioner claims to be recorded owner of the plot in question and alleges that the Haldia Municipality is constructing a concrete high drain by encroaching upon the portion of his property. The petitioner made a representation on 25<sup>th</sup> November, 2021 before the concerned authority ventilating his grievance, but to no effect. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 9<sup>th</sup> respondent is the competent authority to

consider the representation of the petitioner in accordance with law.

Learned counsel for the 9<sup>th</sup> respondent has added that the land over which the drain is being constructed belongs to the PWD.

Be that as it may, since the representation submitted by the petitioner in this regard is pending before the authority, the authority may be directed to consider the same in accordance with law.

Accordingly the writ petition is disposed of directing the 9<sup>th</sup> respondent to consider and dispose of the representation submitted by the petitioner dated 25<sup>th</sup> November, 2021 within one month from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to place his contention before the authority at the time of hearing.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Suvra Ghosh, J.)**