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18.01.2022
Ct. No.10
b.das

W.P.A. 17817 of 2021

(Via Video Conference)

Nakul Chandra Pakhira
Vs.
State of W.B. & Ors.

Sk. Sahajahan Ali ...for the petitioner.

Mr. Ansar Mondal
Mr. S. Mitra ...for the State.

Mr. Santosh Kr. Chakraborty
...for the private respondent.

Heard learned counsels for the parties.

The grievance of the petitioner is that the private respondent has raised illegal construction by encroaching upon government land and has thereby obstructed his ingress and egress.

It is submitted on behalf of the private respondent that a title suit was filed by the petitioner against the private respondent and others in respect of the property in question and the learned Trial Court dismissed the prayer of the petitioner insofar as the property in question was concerned.

It appears from the record that the petitioner filed a title suit being TS 05/2016 before the learned Civil Judge

(Junior Division), 3rd Court, Paschim Medinipur praying for a declaration of his passage in respect of the 'C' Schedule property in the suit which is the property in question in the present writ petition. The said prayer of the petitioner was declined by the learned Trial Court.

In the present writ petition, the petitioner has alleged encroachment of government land by the private respondent.

It is submitted on behalf of the private respondent that this respondent has raised construction on his own land and has not encroached upon any portion of government land.

The petitioner submitted a representation before the concerned authority ventilating his grievance on 23rd October, 2021 in this regard. The said representation is yet to be disposed of. The petitioner prays for direction upon the concerned authority to consider the representation at the earliest.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 4th respondent to consider and dispose of the said representation filed by the petitioner dated 23rd October, 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 17817 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.)