

12.08.2022
rc/ct.no.10
Item No.04

WPA No. 17533 of 2022

Mr. G.F.Hossain
Mrs. Priyanka Mondal ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay ...for the State

Mr. Mahammad Mahmud
Mrs. Chandana Adak (Roy)
..for the respondents no.10-11

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

The petitioner's grievance is that initially the State authorities alleged that the petitioner had encroached upon a portion of PWD land. The petitioner is the recorded owner of the plot adjoining the said land. Notices were issued upon the petitioner for removal of the alleged encroachment though the petitioner claims that no such encroachment was made by him. However, the encroachment was removed by the State-respondents who also put a fence surrounding the Government land. The grievance of the petitioner is two fold; firstly, the fence put up by the State authorities is obstructing the ingress and egress of the petitioner and secondly, the private respondents intend to install a statue of Sidhu Kanu beside the plot owned by the petitioner which shall also obstruct the ingress and egress of the petitioner.

In reply to a notice issued by the Sub-Inspector of Police, Gurap Police Station to the petitioner on July 19, 2022 the petitioner submitted objection before the authority which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the objection submitted by the petitioner.

It is submitted by the State-respondents as well as the private respondents that objection submitted by the petitioner may be directed to be considered by the concerned authority in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the objection submitted by the petitioner within one month 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 respondents, in accordance with law.

Pending disposal of the objection by the 4th respondent the private respondents are restrained from installing the statue of Sidhu Kanu by way of obstructing the ingress and egress of the petitioner.

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)