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25.02.2022
Ct. No.10
b.das

W.P.A. 19358 of 2021

(Via Video Conference)

Md. Abu Ahasan @Abu Ahasan Sarkar & Ors.
Vs.
State of W. B. & Ors.

Mr. Uday Narayan Betal
...for the petitioner.

Mr. Soumitra Bandyopadhyay ...for the State.

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

The grievance of the petitioners is that the private respondents have raised unauthorised construction by encroaching upon the PWD road adjoining the land of the petitioner and have thereby obstructed the ingress and egress of the petitioners.

The petitioners submitted a representation before the concerned authority in this regard on 23rd October, 2021, pursuant to which a letter was issued by the District Magistrate, Murshidabad on 3rd November, 2021 to the Executive Engineer, PWD Berhampore Division No.-II, Murshidabad for taking necessary action.

Learned counsel for the petitioner takes this Court to a police report at annexure P-5 to the writ petition which

suggests that the private respondents are making *pucca* construction on the vacant land belonging to the PWD.

Having considered the submissions made on behalf of the parties and in view of the report submitted by the Assistant Sub Inspector of Police, Jalangi, P.S. Murshidabad dated 15th November, 2021, this Court is of the view that the Assistant Engineer being the 4th respondent herein should be directed to consider and dispose of the representation submitted by the petitioners within a stipulated period of time.

Accordingly, the writ petition is disposed of by directing the 4th respondent to consider the representation submitted by the petitioners dated 16th November, 2021 and take it to its logical conclusion 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 respondents, in accordance with law.

With the above observations and directions this writ petition being WPA 19358 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.)