

27
25.02.2022
Ct. No.10
b.das

W.P.A. 19369 of 2021

(Via Video Conference)

Gouranga Laha & Anr.
Vs.
State of W. B. & Ors.

Mr. Rittick Chowdhury
...for the petitioners.

Mr. Chandi Charan De
Ms. R. Rahaman ...for the State.

Ms. Manjuli Chaudhuri
Ms. M. Sinha ...for the respondent Nos.3 to 6.

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

None appears on behalf of the private respondents despite service.

The petitioners are owners of the plot of land beside the public road intervened by a strip of land which is a Nayanjuli used for drainage.

The petitioners complain that the Howrah Zilla Parishad has executed licence in favour of the private respondents in respect of the said Nayanjuli and the private respondents have been raising construction therein which is obstructing the ingress and egress of the petitioners to/from their residential house.

The petitioners submitted a representation before the concerned authority on 1st September, 2021 wherein they requested the authority to cancel the licence granted in favour of the private respondents and issue the same in their favour so that they can raise construction on the said plot.

Learned counsel appearing for the Zilla Parishad submits that it is the petitioners who have raised construction on their plot by encroaching upon a portion of the adjoining plot. Licence has been granted to the private respondents for raising '*kachha*' constructions over the drainage which is situated between the petitioners' plot and the public road.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that the representation submitted by the petitioners before the authority consists several disputed facts which need to be considered by the authority.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioners dated 1st September, 2021 within a period of 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.

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

With the above observations and directions this writ petition being WPA 19369 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.)