

13 29.08.2022

gd/ssd

WPA(P)/421/2022
BISWAMBHAR CHATTERJEE AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Lakshminath Bhattacharya
..for the Petitioners.

Mr. Jaharlal De,
Mr. Supratim Dhar
..for the State.

Mr. Sukdeb Sarkar
..for the Respondent Nos.13 to 15.

The grievance raised in this public interest petition is that the private respondents are erecting illegal construction over the landed property recorded as “Rasta” in the government record of rights lying under Mouza-Joynagar, Khatian No.1303, which starts from Dag No.1128, present L.R. Dag No.755 and ending at Dag No.765, which is known as “Baithak Khana Road” without obtaining any permission from the Municipality.

The above contention has been opposed by the private respondents.

At this stage, the limited prayer of the petitioners is to direct the respondent no.10 to decide the petitioners’ pending representation dated 7th August, 2019.

Having regard to the nature of controversy

involved in the matter, we are of the opinion that the factual issue raised therein can be more appropriately examined by the respondent no.10.

Hence, we dispose of the present petition by directing the respondent no.10 to duly consider the petitioners' representation dated 07.08.2019 and take appropriate decision in accordance with law after giving an opportunity of hearing to all the concerned parties.

Let this exercise be completed within a period three months from the date of receipt of this order.

The petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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