

April 06, 2022
ARDR
(44)

WPA 20364 of 2021

Tushar Kanti Maity & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Pradip Pal,
Mr. Gourav Ghosh,
...for the petitioners.
Mr. U. K. Jana,
Mr. A. K. Chakraborty,
...for the respondent nos. 13 & 15.
Mr. Chandi Charan De,
Mr. Anirban Sarkar,
...for the State.

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

None appears for the respondent nos. 8,9,10,11,12 and 14 despite service.

The grievance of the petitioners is that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD highway adjoining their land, thereby obstructing the egress and ingress of the petitioners. The petitioners submitted a representation before the concerned authority on 1st September, 2021 which is yet to be disposed of. The petitioners pray for a direction upon the authorities to consider the representation at the earliest.

It is submitted on behalf of the respondent nos. 13 and 15 that these respondents purchased a portion of the plot in question from the predecessor-in-interest of the petitioners and have raised construction therein

upon obtaining necessary permission from the Gram Panchayat.

Learned counsel appearing for the State respondents submits that the representation may be directed to be considered by the 6th respondent.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 6th respondent to consider and dispose of the representation submitted by the petitioners dated 1st September, 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 petitioners and the private respondents, in accordance with law.

With the directions, WPA 20364 of 2021 is disposed of. There shall however, 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.)