

7
jdt.

18.01.2022
jb.

W.P.A. 20286 of 2019
(Himadri Sekhar Dey vs. State of West Bengal & Ors.)

Mr. Debasish Das

... For the Petitioner

Mr. Susovan Sengupta

Mr. Subir Pal

... For the State

Gazi Farooque Hossain

Ms. Priyanka Mondal

... For the Respondent No. 14

The grievance of the petitioner is that the private respondent has raised illegal construction on Government land and has thereby obstructed the ingress and egress of the petitioner. The petitioner has annexed documents which suggest that proceedings under Sections 133 and 144 of the Code of Criminal Procedure were initiated against the private respondent in this regard and the private respondent was directed to remove/demolish the structure illegally raised by him on Government land.

It is submitted on behalf of the petitioner that despite such direction upon the private respondent, the private respondent has not demolished the said

structure, nor has any step been taken against him by the concerned Authority till date. The petitioner submitted a representation before the concerned Authority to that effect on 17th September, 2019 which is yet to be disposed of. The petitioner prays for a direction upon the Authority to consider the said representation in terms of the earlier orders passed under Sections 133 and 144 of the Code of Criminal Procedure.

It is submitted on behalf of the State that direction may be given to the Executive Engineer, Birbhum Highway Division, the third respondent herein, to serve notice upon the private respondent under Section 10(1) of the West Bengal Highways Act, 1964 and dispose of the said proceedings in accordance with law.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the third respondent to consider and dispose of the said representation submitted by the petitioner dated 17th September, 2019 within a period of three months from the date of communication of this order, upon taking into consideration the observations made in the proceedings under Sections 133 and 144 of the Code of Criminal

Procedure, after giving reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent, in accordance with law.

W.P.A. 20286 of 2019 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)