

November 14, 2022
ARDR
(40)

WPA 23573 of 2022

Debasis Maiti & anr.
Vs.
The State of West Bengal & ors.

Adv. Salil Kumar Maiti,
...for the petitioners.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the State.

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

None appears for the private respondent despite service.

The grievance of the petitioners is that the private respondent has raised unauthorised construction by encroaching upon a portion of PWD land adjoining the property of the petitioners, thereby obstructing their ingress and egress. The petitioners submitted a representation in this regard before the concerned authority on 1st September, 2022 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioners dated 1st

September, 2022 within 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 respondent in accordance with law.

With the aforesaid directions, WPA 23573 of 2022 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)