

21.11.2022
rc/ct.no.10
Item No.47

WPA No. 24283 of 2022

Mr. K.C.Das ...for the petitioner

Mr. Chandi Charan De
Mr. Debabrata Chakraborty ...for the State

Mr. Jayanta Kumar Das
Mr. Madhumanti Das ...for the respondent no. 9

Affidavit of service filed in Court today is taken on record.

Heard the learned counsels appearing on behalf of the parties.

The grievance of the petitioner is that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing his ingress and egress. The petitioner has submitted a representation before the concerned authority on 19.09.2022 which is yet to be considered.

The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted by the learned counsel appearing on behalf of the private respondent that no such encroachment has been made by the respondent who has obtained permission to raise construction in the property purchased by him way back in 1990.

It is submitted on behalf of the State-respondents that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner on 19.09.2022 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected parties including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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)