

WPA 24889 of 2022

Sk. Riajuddin
Vs.
The State of W.B. & Ors.

Mr. Debasis Sur
Mr. H. K. Haldar
Mr. H. S. Paul ...for the petitioner.

Mr. Sumanta Pal
Ms. A. Neogi ...for the State.

Mr. Arindam Sen
Ms. Juin Dutta Chakraborty
Mr. D. Kundu ...for the respondent No.6.

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

Heard learned counsels for the parties.

On prayer of the petitioner, liberty is granted to implead the Assistant Engineer, Hooghly Highway Division-II, P.W.(Roads) Directorate as respondent No.7 in this writ petition. In prayer (a) of the writ petition, the words “respondent Nos. 7 and 8” be read as respondent No.6. The writ petition be amended accordingly.

The petitioner complains of unauthorised construction made by the private respondent by encroaching upon a portion of PWD road. The petitioner submitted a representation before the concerned authority in this regard on 28th July, 2022, which is yet to be considered. The petitioner prays for a direction upon

the authority to consider the representation at the earliest.

It is submitted on behalf of the private respondent that he may be granted an opportunity of hearing before the concerned authority and liberty to place relevant documents in support of his contention.

Learned counsel for the State respondents submits that the 7th respondent may be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 7th respondent to consider and dispose of the representation submitted by the petitioner on 28th July, 2022 within three months from the date of communication of this order, upon affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent, in accordance with law.

It is made clear that this Court has not gone into the merits of the case the parties shall be at liberty to place their respective contentions before the concerned authority at the time of hearing.

With the above observations and directions the writ petition being WPA 24889 of 2022 is disposed of.

However, there shall 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.)