

21
08.12.2022
Ct. No.10
b.das

WPA 24233 of 2019

Nemai Chandra Adhikari
Vs.
The State of W. B. & Ors.

Mahammad Mahmud ...for the petitioner.

On prayer of the petitioner, liberty is granted to correct the cause title of the writ petition.

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

None appears for the respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plots in question and complains that the private respondents have raised illegal construction by encroaching upon a portion of the PWD highway, adjoining his property, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority (annexure P-6 to the writ petition), which is yet to be disposed of. The petitioner prays for direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 4th respondent may be directed to deal with the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner (annexure P-6 to the writ petition) within three months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents, in accordance with law.

With the above observations and directions, the writ petition being WPA 24233 of 2019 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.)