

23.
10-01-2022
debajyoti
(Ct. no.01)

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

WPA 102 of 2021

Dinabandhu Sarkar

Vs.

The State of West Bengal & Ors.

Mr. Sayan Chattopadhyay,
Ms. Payel Shome, advocate-on-record
... For the Petitioner.
Mr. Hirak Barman,
Mr. Momenur Rahaman
... For the State.

The short grievance of the petitioner appears to be that the private respondents have made illegal construction on public road. The illegal construction is adjacent to the petitioner's house causing prejudice to him. His complaint to the concerned authorities has yielded no result. Hence, he is before this Court.

I have heard learned counsel for the State. I direct the respondent no.4, being the Executive Engineer, Public Works Department, Jalpaiguri Division, to consider the grievance of the petitioner as ventilated in this writ petition and conduct an enquiry into the matter. If he finds the petitioner's grievance to be correct and justified, appropriate action will be taken by him so that any illegal construction may be demolished in accordance with law.

The petitioner shall serve a copy of this order along with a copy of the writ petition on the respondent no.4 within ten days from date. The respondent no.4 shall take a decision in the matter in accordance with applicable rules and regulations within four weeks from the date of receipt of a copy of

this order and a copy of the writ petition, after giving an opportunity of hearing to the petitioner and also the private respondents.

No useful purpose will be served by keeping this writ petition pending. The writ petition is, thus, disposed of.

Affidavits not having been called for, the allegations in the writ petition shall be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Arijit Banerjee, J.)