

July 12, 2023
(5) ARDR

WPA 101 of 2023

Mehabub Hossain Paik
Vs.
The State of West Bengal & ors.

Adv. Mukteswar Maity,
Adv. Nupur Chaudhuri,
...for the petitioner.
Adv. Ashim Kumar Ganguly,
Adv. Subrata Guha Biswas,
...for the State.

On prayer of the petitioner, the name of Pradhan, Ramnagar Gram Panchayat, being the 11th respondent herein, be expunged from the cause title of the writ petition.

The cause title of the writ petition be amended accordingly.

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

None appears for the 10th respondent despite service.

It is contended on behalf of the petitioner that the State respondents are taking steps for installation of a water tank in the land belonging to the petitioner without acquiring the same by due process of law. The petitioner submitted a representation in this regard before the concerned authority on 8th December, 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 respondents that the 6th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to consider and dispose of the representation submitted by the petitioner dated 8th December, 2022 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Pending disposal of the representation, no further construction shall be made by the State respondents in the land of the petitioner.

With the aforesaid directions, WPA 101 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)