

13.01.2023
rc/ct.no.10
Item No.85

WPA No. 788 of 2021
With
CAN No. 1 of 2022

Mr. Shaunak Ghosh
Mr. Sourav Mondal ...for the petitioner

Mr. Ansar Mondal
Mr. Sougata Mitra ...for the State

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

None appears for the private respondents despite service.

On the prayer of the petitioners liberty is granted to them to implead the Assistant Engineer, Nadia Highway Division-II, PW (Roads) Department, Government of West Bengal as respondent no. 16 in the writ petition. The cause title of the writ petition be amended accordingly.

The grievance of the petitioners is that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their ingress and egress. The petitioners have submitted a representation before the concerned authority on 17th May, 2019 which is yet to be considered.

The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State-respondents that the 16th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 16th respondent to consider and dispose of the representation submitted by the petitioners on 17th May, 2019 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 petitioners and the private respondents, in accordance with law.

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

The connected application being CAN No. 1 of 2022 is also disposed of accordingly.

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)