

14.09.2023

Ct. no.654

Sl. No.3

sn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 1202 of 2023

Kamrej Mahalder

Vs.

State of West Bengal & Ors.

Mr. Dyutiman Banerjee

..for the petitioner

Mr. Soumitra Bandyopadhyay

..for the State

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

This is an application under Article 226 of the Constitution of India filed by the petitioner for consideration of his representation dated 14th December, 2022 by the competent authority.

The brief fact is that the petitioner is the owner of the property comprised within plot no,384, Khatian no.9618, J.L.no.6 within Mouza Mahisasthali under Police Station Bhagawangole, District Murshidabad measuring more or less 21 decimal of land. In the year 2021, the petitioner noticed that his name was deleted from the record of rights. For correction of record of rights, the petitioner filed mutation case being no.MN/2021/1204/19635. It is further contended that the PWD authorities have started construction of a bus stand over the land in question. On 14th December, 2022,

the petitioner made a representation before the respondent no.3, alleging of such illegal action in utilising the land in question without proper acquisition. Since such representation was not disposed of, hence, this writ petition.

Mr. Dyutiman Banerjee, learned advocate for the petitioner submits that previously direction was passed upon the District Magistrate, Murshidbad in WPA 5514 of 2022 to dispose of the earlier representation dated 10th March, 2022 made in this regard. The Executive Engineer PWD (Roads) is the competent authority. The petitioner made further representation for redressal of his grievance before such authority, however, such representation has not been disposed of as yet. He seeks for passing necessary directions for disposal of the same. He also submits that *status quo* order be passed pending disposal of the representation.

Mr. Soumitra Bandyopadhyay, learned advocate for the State respondents submits that direction may be issued for disposal of the representation made by the petitioner.

Upon hearing the learned advocates for respective parties and considering the materials on record, the respondent no.3 is directed to consider and dispose of the representation submitted by the petitioner on 14th December, 2022 within a period of two months from the

date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner in accordance with law. The decision taken by the authorities shall be communicated to the petitioner within a week thereof.

The learned advocate on record for the petitioner is directed to communicate this order along with a copy of the representation of the petitioner to the respondent no.3.

Since no affidavit has been invited, allegation contained in the writ petition shall be deemed not to have been admitted.

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

With the above directions, this writ petition being *WPA 1202 of 2023* stands disposed of.

There will be, however, no order as to costs.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)