

09
07.06.2023
Ct. No.10
b.das

WPA 1323 of 2023

Asit Chakraborty @ Parial
Vs.
The State of West Bengal & Ors.

Mr. Salil Kr. Maiti
Ms. Dolan Samanta ...for the petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay ...for the State.

Mr. Udaynarayan Betal
Mr. Bhaskar Hutait ...for the respondent No.8.

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

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD road adjoining his plot, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority on 5th December, 2022, which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the private respondent that the private respondent is a landless person and has

not constructed any pucca structure on the government land.

It is further submitted that he has been residing in the said land since 1992.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the representation submitted by the petitioner, in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted on behalf of the petitioner dated 5th December, 2022 within a period of three months from the date of communication of this order, after granting reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition being WPA 1323 of 2023 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.)