

WPA 1896 of 2021

Jagadish Chandra Khanra
Vs.
The State of West Bengal & ors.

Adv. Salil Kr. Maiti,
Adv. Pinki Saha,

...for the petitioner.

Adv. Debasis Sur,
Adv. Anshuman Patra,

...for the private respondent.

Adv. Susovan Sengupta,
Adv. Manas Kumar Sadhu,

...for the State.

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

The petitioner claims to be the recorded owner of the plot in question and submits that the private respondent has raised illegal construction by encroaching upon the Government land adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 29th October, 2020 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 private respondent that he is in possession of the land in question for more than forty years.

It is submitted on behalf of the State respondents that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the

representation submitted by the petitioner dated 29th October, 2020 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

In the event encroachment upon the Government land or any portion thereof is found, the concerned authority shall take necessary steps for removal of the same in accordance with law.

With the aforesaid directions, WPA 1896 of 2021 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.)