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02.05.2023
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Ct 39

WPA 1681 of 2023

Manuara Bibi

-vs-

The State of West Bengal & others.

Mr. Md. Golam Nure Imrohi
Ms. Susnigdho Bhattacharyya
...for the petitioner

Mr. Chandi Charan De
Ms. Reshmi Rehaman
...for the State

Mr. Amanul Islam
Mr. Sourav Mukherjee
...for the private respondent

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondents, particularly the respondent no.4, to pass a reasoned order on the basis of the representation of the petitioner for removal of unauthorized construction as per provision of the Highways Act within a stipulated time.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents have come up with some unauthorized construction in front of the petitioner's property, which is obstructing ingress and egress to the same. The petitioner made a representation to the Executive Engineer, P.W.D. Berhampore Division-II through the Assistant Engineer on 02.01.2023. By a letter dated 06.01.2023, the Assistant Engineer, P.W.D. Berhampore Division-III requested the Officer in Charge, Jalangi Police

Station to take necessary action. However, the representation made before the respondent no.4 has to be considered on merits in accordance with law. Otherwise, even the Officer-in-Charge of the local Police Station would be in a position to do the needful.

Learned senior counsel representing the State submits that some time may be given to the respondent no.4 to consider the representation.

Learned counsel appearing on behalf of the private respondents denies the allegations contained in the writ petition and submits that they may also be heard at the time of consideration of the petitioner's representation.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

It appears that the petitioner's representation for removal of obstruction to the petitioner's property made before the respondent authority has not been answered yet.

In view of the above and in the interest of justice, I direct the respondent no.4 to consider the petitioner's representation and pass a reasoned order within a period of two months from the date of communication of the order, after hearing the parties concerned.

With these observations, the writ petition is disposed of.

As affidavits were not exchanged, allegations are deemed not to have been admitted.

Urgent photostat certified copies of this order may be

delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)