

10.05.2023
rc/ct.no.10
Item No.09

WPA No. 1881 of 2023
Sri Nabin Ghosh & Anr.
Versus
The State of West Bengal & Ors.

Mr. Debasish Das
Mr. Gautam Guria ...for the petitioners

Mr. Kaushik De ...for the respondent no.12

Mr. Malay Singh
Mrs. Neelam Singh ...for the State

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

None appears for the respondent nos. 10 and 11 despite service.

Pursuant to an earlier writ petition being WPA No. 3211 of 2022 filed by the petitioners complaining illegal encroachment of Government land by the private respondents and an order passed by this Court on April 20, 2022 directing the concerned respondent to consider and dispose of the representation submitted by the petitioners in this regard dated February 02, 2022 within a period of three months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, the Assistant Engineer, Salboni N.H.Sub-Division, P.W.(Roads) Directorate, by an order passed on September 01, 2022 observed that there is illegal construction on Government

road which falls under the Collectorate Land of Paschim Medinipur District. In other words, the authority expressed its inability to deal with the admitted encroachment by the private respondents due to lack of jurisdiction.

In this writ petition, the petitioners have made a representation similar to the earlier one, on December 08, 2022 and seek direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State-respondents that the 4th respondent be directed to consider the representation in accordance with law.

Since encroachment of the Government land has been recorded by the Assistant Engineer, Salboni N.H.Sub-Division, P.W.(Roads) Directorate, in his order passed on September 01, 2022, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioners dated December 08, 2022 within a period of two 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 and in the light of the observation made by the Assistant Engineer, Salboni N.H.Sub-Division, P.W.(Roads) Directorate in his order dated September 01, 2022, in accordance with law.

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

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)