

WPA 2577 of 2023

Rajkrishna Hudait & Anr.

Vs.

The State of West Bengal & Ors.

Mr. D. K. Sinha ...for the petitioners.

Mr. Siddhartha Sankar Mondal
Ms. Arunima Das Sharma
 ...for the private respondents.

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

None appears for the State respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioners should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioners claim to be the recorded owners of the plot in question and complain that the private respondents have raised illegal construction by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their egress and ingress.

The petitioners submitted a representation in this regard before the concerned authority on 7th November, 2022, which is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the private respondents that the private respondents have been carrying on their business in the disputed plot for several years and possess tax receipts and registration certificates in support of their contention.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the representation, 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 by the petitioners dated 7th November, 2022 within 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, in accordance with law.

With the above observations and directions this writ petition being WPA 2577 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.)