

June 05, 2023
(24) ARDR

WPA 2170 of 2020

Narendra Nath Mondal
Vs.
The State of West Bengal & ors.

Adv. Salil Kumar Maiti,
...for the petitioner.
Adv. Sobhan Majumder,
Adv. Kalpita Paul,
...for the respondent no.8.

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

None appears for the State respondent and the respondent no.9, despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court today, is requested to represent the State in this matter.

His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioners are directed to serve copy of the writ petition along with annexures thereto upon Mr. De in course of this day.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD road adjoining his plot, thereby obstructing his egress and ingress. The petitioner submitted representation in this regard before the concerned authority on 31st December, 2019 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 no.8 that the private respondent has raised construction in his *raiya* land and has not encroached upon any portion of the PWD road.

It is submitted on behalf of the State respondent that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation filed by the petitioner dated 31st January, 2019 within three 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 respondents, in accordance with law.

With the aforesaid directions, WPA 2170 of 2020 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)