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jdt.

22.02.2023
jb.

W.P.A. 3392 of 2023
(Bidyut Kumar Das & Anr. vs. State of West Bengal & Ors.)

Mr. Imtiaz Ahmed
Ghazala Firdaus
Mr. Aninda Sundar Das
Mr. Sounak Ghosh
Sk. Saidullah
Mr. Mithun Mondal
Md. Arsalan
.... For the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Srikanta Paul
.... For the State

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

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that by a judgment and decree of the civil Court passed on 29th June, 1984 the petitioners were declared owners of the plot in question. The State of West Bengal, being the defendants in the suit, were restrained by an order of permanent injunction from interfering with the peaceful possession of the petitioners in the said plot. The judgment was carried in appeal by the State and by judgment delivered on 7th May, 1988 in title appeal No. 4 of 1986, the appeal was dismissed on merits.

It is submitted on behalf of the petitioners that the plot in question has been wrongly mutated in the name of the State respondents and challenge

to such mutation by the petitioners is pending. Taking advantage of such erroneous mutation, the State respondents have encroached upon a portion of the said land and are developing water project on the said land. The petitioners submitted a representation ventilating their grievance before the concerned authority on 12th January, 2023 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents 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 submitted by the petitioners dated 12th January, 2023 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

Pending disposal of the representation, the State respondents, particularly the respondent no. 8 are restrained from encroaching upon any portion of

the plot in question any further or raising any construction therein.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)