

**28.02.2023**  
**rc/ct.no.10**  
**Item No.46**

**WPA No.4409 of 2023**

Mr. Tapash Kumar Bhattacharya  
Mr. Purnasis Bhuniya                      ...for the Petitioner  
  
Mr. Chandi Charan De                      ....for the State

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

None appears on behalf of the State respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State-respondent and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

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

Heard learned counsels appearing on behalf of the parties.

The petitioners claims to be the recorded owners of 62 decimals of land in the plots in question and complain that the PWD authority started making unauthorised construction of road by encroaching upon a portion of the land without acquiring the same or serving any notice to that effect to the petitioners.

The petitioners submitted a representation in this regard before the concerned authority on 10<sup>th</sup> 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 State respondents that the 6<sup>th</sup> respondent be directed to consider the representation of the petitioners in accordance with law.

In view of the above, the writ petition is disposed of directing the 6<sup>th</sup> respondent to consider and dispose of the representation submitted by the petitioners on 10<sup>th</sup> January, 2023 within a period of one month 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 thereafter.

Pending disposal of the representation, the respondent authorities are restrained from making any further construction by encroaching upon the land of the petitioners or any portion thereof.

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)**