

June 12, 2023
(8) ARDR

WPA 4491 of 2023

Alok Kumar Biswas
Vs.
The State of West Bengal & ors.

Adv. Manas Kumar Das,
Adv. Asraf Mondal,
...for the petitioner.
Adv. Atis Kumar Biswas,
Adv. Jyoti Agarwal,
...for the respondent nos. 8 & 9.
Adv. Santanu Kumar Mitra,
Adv. Subhabrata Das,
...for the State.

On prayer of the petitioner, liberty is granted to correct the nomenclature of the 5th respondent in the cause title of the writ petition by incorporating Krishnanagar Sub Division in place and stead of Plassey Highway Sub Division.

The cause title of the writ petition be amended accordingly.

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

The petitioner alleges unauthorised construction made by the private respondents on PWD road. The petitioner submitted a representation in this regard before the concerned authority on 9th November, 2020 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 respondents that the private respondents have been occupying a portion of the petitioner's land besides a portion of the PWD road. Learned counsel submits that the present writ petition should be confined to the portion of the PWD road occupied by the private respondents and the petitioner may not be allowed to evict the private respondents from his private land in the garb of the writ petition.

Learned counsel for the State respondents submits that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner dated 9th November, 2020 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.

It is pertinent to mention that the representation submitted by the petitioner is confined to the PWD road allegedly occupied by the private respondents and does not include the private land of the petitioner.

With the aforesaid directions, WPA 4491 of 2023 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.)