

26th April,
2023
(AK)
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W.P.A 3917 of 2020

Anjan Kumar Giri and another
Vs.
State of West Bengal and others

Ms. Rita Patra
...for the petitioners.

Mr. Santanu Kumar Mitra
...for the State.

Mr. Shyama Prasad Purkait
Ms. Moumita Mandal
...for the respondent nos.8, 9 & 10.

Learned counsel for the petitioners submits that the petitioners gave a representation to the respondent authorities alleging certain illegal construction being made on public property.

It is submitted that such representation has not yet been decided and no steps have been taken thereon by the respondent authorities.

The representation of the petitioners is annexed to the writ petition.

Learned counsel appearing for the State submits that in the meantime, steps have been taken for eviction of unauthorized occupant of the property and proceedings under Section 10(3) of the West Bengal Highways Act, 1964 are now pending.

Learned counsel appearing for the private respondent nos.8, 9 and 10 submits that the petitioners,

in violation of law, transferred the property-in-question, despite the land being a Patta land.

Subsequently such transfer was set aside by two authorities, against which an appeal is pending before the concerned tribunal.

As such, it is argued that the petitioners cannot stake any claim to the property at all.

However, such disputed question of fact cannot be entered into within the limited scope of the present writ petition, which merely concerns the grievance of the petitioner that the petitioners' representation is not being considered by the authorities.

Hence, without going into the merits of such allegations and counter-allegations, which are all kept open to be decided by the appropriate authorities, if so raised, the present writ petition can be disposed of in terms of the direction as given below.

WPA 3917 of 2020 is, thus, disposed of by directing the respondent authorities to ensure that the pending proceedings are expeditiously disposed of, preferably within three months from date.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)