

04.09.2023
Item No.5
gd/ssd

WPA(P)/457/2023
SUKUMAR DAS
VS
STATE OF WEST BENGAL AND ORS.

Mr. Bharat Ch. Simai,
Mr. Haripada Nayak,
Ms. Sanchayita Das
..for the Petitioner.

1. By this public interest litigation the petitioner alleges that the private respondents have illegally encroached government land which has to be preserved as a water body.

2. In this regard, several representations have been given by the petitioner to the various authorities and since no action had been taken on those representations, the petitioner has filed this public interest litigation.

3. It is submitted by the learned advocate for the petitioner that the private respondents have been served even at the time when the writ petition was pending before the learned Single Bench.

4. However, today none appears for the respondents.

5. However, since we are disposing of the writ petition without calling for affidavits, the merits of the allegations made in the writ petition or in the

representations are not gone into and are left open to be taken note by the concerned authorities.

6. In the light of the above, the writ petition stands disposed of by directing the 5th respondent to consider the petitioner's representations, issue notice to the private respondents and all other concerned and then take a decision on merits and in accordance with law.

7. In order to facilitate the compliance of this direction, the petitioner is directed to forward the copies of the representations already sent along with the copy of this order to the 5th respondent for compliance of the above direction.

8. The above direction be complied with within a period of six weeks from the date of receipt of the server copy of this order.

9. We make it clear that the allegations made in the writ petition are not gone into and are left open to be considered by the 5th respondent in accordance with law.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)