

WPA 6305 of 2022

Baisakhi Maitra & Ors.
Vs.
The State of W.B. & Ors.

Mr. Riju Ghosal
Mr. S. Chatterjee
Mr. A. Ghosh
Ms. S. Choudhury ...for the petitioners.

Mr. Ansar Mandal
Ms. S. Bhattacharya ...for the State.

Mr. Sumit Ray ...for respondent Nos.5 to 8.

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

None appears for the private respondents despite service.

Heard learned counsels for the parties.

The petitioners do not press prayers (c) and (f) of the writ petition.

It is submitted on behalf of the petitioners that the plot in question was allotted to one Mahendra Chandra Das, predecessor-in-interest of the petitioners sometime in 1981 by the Government of West Bengal, and the petitioners/their predecessor have been in possession of the same since then.

The petitioners complain that the West Bengal State Electricity Distribution Company Ltd., being the respondent Nos.5 to 8 herein, have erected poles in the

said plot without affording opportunity of hearing to the petitioners.

The petitioners submitted a representation in this regard before the concerned authority on 26th July, 2021, which is yet to be considered. The petitioners pray for a direction upon the concerned 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 26th July, 2021 within six weeks 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 there shall be an order of status quo upon both the parties in respect of the nature, character and possession of the plot in question as on this date.

With the above observations and directions this writ petition being WPA 6305 of 2022 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)