

224
jdt.

31.08.2023
jb.

W.P.A. 7266 of 2023
Rajibur Rahman
vs.
State of West Bengal & Ors.

Mr. Sagar Saha
Mr. Hamidur Rahman
Mr. N. Seikh

.... For the Petitioner

Gulam Nure Imrohi
Mr. S. Bhattacharyya
Mr. A. H. Mondal

.... For the Private Respondent

None appears for the State respondents despite service.

Mr. Chandi Charan De who is present in Court and usually appears for the State is requested to represent the State in this matter along with a junior of his choice. The appointment of Mr. De, learned advocate and Mr. Anirban Sarkar, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition along with annexure thereto be served upon Mr. De in course of the day.

The petitioner claims to be recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon the portion of the PWD land adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation before the concerned authority in this regard on 20th February, 2023 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 the plot in dispute for about 30 years.

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 20th February, 2023 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.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)