

31.01.2023
rc/ct.no.10
Item No.54

WPA No. 6613 of 2018

Mr. Timir Baran Saha ...for the petitioner

Mr. Chandi Charan De ...for the State

On the prayer of the petitioner liberty is granted to him to correct the presentation form and the cause title of the writ petition.

None appears on behalf of the respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State-respondent and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

Heard learned counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that pursuant to an order passed by this Court on 6th September, 2019 demarcation of the plot in question has been made by the concerned authority. The petitioner claims that the plot in question adjoining his residential

property has been encroached upon by the private respondent by raising unauthorised construction therein, thereby obstructing his ingress and egress. The petitioner has submitted a representation in this regard before the concerned authority on 16th April, 2018 which is yet to be considered.

The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State-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 petitioner on 16th April, 2018 in terms of the demarcation report, if any, within a period of two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)