

June 16, 2023
(20) ARDR

WPA 8825 of 2023

Saiful Biswas & ors.
Vs.
The State of West Bengal & Ors.

Adv. Sounak Bhattacharya,
Adv. Tirthankar Mukherjee,
Adv. Madhurima Sarkar,
Adv. Sounak Mondal,
...for the petitioners.

Adv. Purnendu Das,
Adv. Meghanil Manna,
Adv. Gitika Mallick,
...for the pvt. respondent no.12.

Adv. Chandi Chanran De,
Adv. Anirban Sarkar,
...for the State.

Affidavit of service filed by the petitioners is taken on
record

The petitioners claim to be the recorded owners of the plot in question and complain that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing their egress and ingress. The petitioners submitted a representation before the concerned authority in this regard on 24th March, 2023 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the petitioners that during pendency of the writ petition, the petitioners have been served with a copy of a letter issued by the Deputy Secretary to the Government of West Bengal on 5th April,

2023 to the Superintending Engineer, Eastern Highway Circle, Public Works (Roads) Directorate and the Superintending Engineer, Eastern Circle, Public Works Directorate requesting the latter to take necessary action in connection with the representation submitted by the petitioners.

Learned counsel for the private respondent submits that admittedly the private respondent has been occupying a portion of the PWD land by raising construction therein. Learned counsel further submits that the question of obstruction of the egress and ingress of the petitioners does not arise since the land of the petitioners is agricultural land. It is further submitted that the private respondent has applied for grant of *patta* in respect of the said land before the concerned authority, which is pending.

Learned counsel for the State respondents submits that the 6th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to consider and dispose of the representation submitted by the petitioners dated 24th March, 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 petitioners and the private respondent, in accordance with law.

With the aforesaid directions, WPA 8825 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)