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jdt.

07.06.2023
jb.

W.P.A. 8984 of 2023
(Jiyarul Ali Shah & Ors. vs. State of West Bengal & Ors.)

Sk. Sahjahan Ali
.... For the Petitioners

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

None appears for the State respondents as well as for the private respondent 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. The appointment of Mr. De, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition be served upon Mr. De in course of the day.

The petitioners claim to be recorded owners of the plot in question and submit that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their property thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard

before the concerned authority on 23rd 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 State respondents that the 4th respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 23rd 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.

The writ petition is thus disposed of.

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.)