

WPA 9016 of 2023

Jugal Kishore Mondal & Ors.
Vs.
The State of W.B. & Ors.

Mr. Dyutiman Banerjee ...for the petitioners.

Mr. Soumitra Bandyopadhyay
Mr. P. Batabyal ...for the State.

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.

It is contended on behalf of the petitioners that proceeding under Section 10 of the West Bengal Highways Act, 1964 was initiated against the petitioners alleging encroachment upon PWD land. The petitioners have been occupying the said land since long by constructing shop rooms therein.

The petitioners submitted several representations before the concerned authority seeking grant of long term lease in their favour in respect of the said land.

Learned counsel for the petitioners submits that without considering the representations submitted by the petitioners, the concerned authority has passed an order under Section 10(3) of the Act of 1964 directing removal of

unauthorised construction from PWD land. The petitioners seek consideration of their representation by the concerned authority.

It is submitted on behalf of the State respondents that the 7th respondent be directed to consider the representations submitted by the petitioners, in accordance with law.

In view of the above, the writ petition is disposed of directing the 7th respondent to consider and dispose of the representations submitted by the petitioners before him within a period of two months from the date of communication of this order upon granting reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

With the above observations and directions this writ petition being WPA 9016 of 2023 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.)