

20.04.2023
rc/ct.no.10
Item No.24

WPA No. 10224 of 2021
Parthasarathi Halder & Anr.
Versus
The State of West Bengal & Ors.

Mr. Dinesh Chandra Mondal ...for the petitioners

Mr. Ansar Mondal
Mrs. Srilekha Bhattacharje ...for the State

Mr. B.P.Mondal
Mr. Sukanta Mondal
..for the respondents no. 10 & 11

Affidavit of service filed in Court today is taken on record.

The petitioners claim to be recorded owners of the plot in question and submit that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their ingress and egress. The petitioners submitted a representation in this regard before the concerned authority on 11th January, 2021 which is yet to be considered.

The petitioners pray for a direction upon the concerned authority to consider the said representation at the earliest in accordance with law.

It is submitted by the respondents no. 10 and 11 that they have not raised any construction on PWD road or any portion thereof as alleged and have no nexus whatsoever with the present writ petition.

It is submitted on behalf of the State-respondents that since the Assistant Engineer, being the 4th respondent herein has expressed his lack of jurisdiction to deal with the representation submitted by the petitioners, the Executive Engineer, Public Works (Roads) Directorate, Diamond Harbour Sub-Division, being the respondent no. 3 herein, be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the said representation submitted by the petitioner on 11th January, 2021 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected persons including the petitioners and the private respondents, 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)