

September 22, 2023
ARDR (12)

WPA 10190 of 2023

Samir Rana
Vs.
The State of West Bengal & ors.

Adv. Lal Ratan Mondal,
Adv. Dilip Kumar Sadhu,
...for the petitioner.
Adv. Soumyajit Das Mahapatra,
...for the respondent nos. 7 to 11.
Adv. Amritalal Chatterjee,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

On prayer of the petitioner, leave is granted to implead the Assistant Engineer, Jhargram Division, Public Works Department (Roads), Government of West Bengal as respondent no.12 in the writ petition.

The cause title of the writ petition be amended accordingly.

The petitioner claims to be the owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD road adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 4th April, 2023 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the private respondents that the private respondents have raised construction on

their *raiya* land and have not encroached upon any portion of the PWD road.

Learned counsel for the State respondents submits that the 12th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 12th respondent to consider and dispose of the representation submitted by the petitioner dated 4th April, 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 petitioner and the private respondents, in accordance with law.

With the aforesaid directions, WPA 10190 of 2023 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.)