

June 09, 2023
(18) ARDR

WPA 10462 of 2023

Apchar Malida
Vs.
The State of West Bengal & ors.

Adv. Raj Kumar Sain,
...for the petitioner.
Adv. Sandipan Banerjee,
Adv. Sobhan Majumder,
...for the private respondent nos. 7 to 11.
Adv. Chandi Charan De,
Adv. Asoke Sarkar,
...for the State.

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

The petitioner complains that the private respondents have made unauthorised construction by encroaching upon Government land adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation before the concerned authority on 3rd 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 petitioner himself is an unauthorised occupant of the plot in question and seeks to evict the private respondents therefrom in order to use the plot for himself.

Learned counsel for the State respondents submits that the 3rd respondent 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 representation submitted by the petitioner dated 3rd April, 2023 within two 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.

The private respondents are at liberty to ventilate their grievance as expressed before this court before the concerned authority at the time of hearing.

With the aforesaid directions, WPA 10462 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.)