

WPA 12105 of 2023

Biswanath Paria & Ors.
Vs.
The State of W.B. & Ors.

Mr. Bharat Chandra Simai ...for the petitioners.

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

Mr. Siddhartha Banerjee
Mr. S. N. Ghosh
Mr. B. Pandit
...for the respondent Nos.9,10 & 14 to 21.

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

None appears for the respondent Nos.11, 12 & 13 despite service.

Heard learned counsels for the parties.

The petitioners complain illegal encroachment upon a portion of PWD land adjoining their property by the private respondents.

The petitioners submitted a representation in this regard before the concerned authority on 2nd May, 2023, which is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the private respondents that it is the petitioners who have raised illegal construction by encroaching upon a portion of the

government land and the present writ petition is a retaliation to steps taken by the private respondents in this regard.

It is submitted on behalf of the State respondents 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 on behalf of the petitioners dated 2nd May, 2023 within a period of 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 respondents, in accordance with law.

Since it is submitted by the private respondents that the private respondents have lodged a complaint alleging encroachment of government land by the petitioners before the 3rd respondent herein, the 3rd respondent shall deal with the said complaint, if any, while disposing of the representation submitted by the petitioners.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the representation made by the petitioners independently and without being influenced by any observation that may have been made in this order and upon considering the submission made by both the parties.

With the above observations and directions this writ petition being WPA 12105 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.)