

15
26.06.2023
Ct. No.10
b.das

WPA 12547 of 2023

Prokash Chandra Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Prokash Ch. Mondal
Mr. Dinesh Ch. Mondal
...petitioners (In person).
Mr. Soham Dutta
Mr. Ayan Poddar
...for respondent No.8 & 9.

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

None appears for the State respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioners should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioners appearing in person claim to be the recorded owners of the plot in question and submit that the private respondents have constructed a culvert by encroaching upon a portion of the PWD land adjoining their property, thereby obstructing their egress and ingress.

The petitioners submitted a representation in this regard before the concerned authority on 22nd November, 2022 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 the culvert in question was constructed by the Government and not by the private respondents.

Such contention is denied and disputed by the petitioners.

Be that as it may, since the representation submitted by the petitioners is pending, the concerned authority, being the 5th respondent herein, be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the represented submitted by the petitioners dated 22nd November, 2022 within 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.

With the above observations and directions this writ petition being WPA 12547 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.)