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jdt.

14.09.2023
jb.

W.P.A. 11617 of 2019
(Parimal Mondal vs. State of West Bengal & Ors.)

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

None appears for the State respondents despite service.

Mr. Chandi Charan De who is present in Court and usually appears for the State is requested to represent the State in this matter along with a junior of his choice. The appointment of Mr. De, learned advocate and Mr. Anirban Sarkar, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition along with annexure thereto be served upon Mr. De in course of the day.

The petitioner claims to be the recorded owner of the plot in question and submits that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD land adjoining the plot, thereby obstructing his egress and ingress. The petitioner submitted a representation before the concerned authority in this regard on 28th January, 2019 which was subsequently modified by a letter dated 17th May, 2019. Both the representation and the letter are yet to be considered. The petitioner prays for a direction upon the authority to consider the representation and the subsequent letter at the earliest.

Though there was a direction upon the State respondents to submit a report by an order passed on 5th July, 2019 as to whether there exists any encroachment on the highway or not, learned counsel for the State respondents submits that such alleged encroachment shall be determined by the authority in disposing of the representation submitted by the petitioner. Learned counsel further submits that the 5th respondent be directed to consider the said representation and the subsequent letter 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 representation dated 28th January, 2019 and the subsequent letter dated 17th May, 2019 filed by the petitioner 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 respondent, in accordance with law.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)