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jdt.

06.09.2023
jb.

W.P.A. 13012 of 2023
(Uttam Maity & Ors. vs. State of West Bengal & Ors.)

Mr. Sukdeb Sarkar

.... For the Petitioners

Mr. Soumitra Bandyopadhyay

Mr. Priyabrata Batabyal

.... For the State

Mr. Sarbananda Sanyal

.... For the Private Respondents

The petitioners claim to be recorded owners in respect of the plot in question and submit that the private respondents have encroached upon the Government land adjoining their plot by raising unauthorised construction therein, thereby obstructing their egress and ingress. The petitioners submitted separate representations before the concerned authority on 21st November, 2022 (Annexure P/4 to the writ petition) which are yet to be considered. The petitioners pray for a direction upon the authority to consider the representations at the earliest.

It is submitted on behalf of the private respondents that the father of the petitioners let out a portion of the plot in question in favour of the private respondents by execution of agreements on 1st January, 2010 and the respondents are in possession of the said rented portion. The respondents have not encroached upon any portion of the Government land.

Learned counsel for the State respondents submits that the 3rd respondent be directed to consider the representation, in accordance with law.

Since the petitioners allege encroachment of Government land adjoining their property by the private respondents, the writ petition is disposed of directing the third respondent to consider and dispose of the representations submitted by the petitioners dated 21st November, 2022 (Annexure P/4 to the writ petition) 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.

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.)