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jdt.

06.09.2023
jb.

W.P.A. 13016 of 2023
(Lakshman Chandra Bera vs. State of West Bengal & Ors.)

Mr. Dilip Kr. Sinha
.... For the Petitioner

Mr. Kanailal Samanta
.... For the Private Respondent

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 recorded owner in respect of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the Government land adjoining his plot, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 27th February, 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 has encroached upon Government land by raising unauthorised construction therein.

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

Since it is alleged that both the petitioner and the private respondents have encroached upon Government land, the writ petition is disposed of directing the third respondent to consider and dispose of the representation submitted by the petitioner dated 27th February, 2023 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 respondents, in accordance with law. In the event the petitioner is found to have encroached upon the Government land or any portion thereof, necessary steps be taken for removal of all encroachers therein including the petitioner and demolition of unauthorised construction made in the Government land within the stipulated time frame.

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.)