

D/L. 16.
July 5, 2023.
MNS.

WPA No. 14634 of 2023

Kunja Behari Mandal
Vs.
State of West Bengal and others

Mr. Prabir Maji

... for the petitioner.

Learned counsel for the petitioner submits that the private respondents have encroached upon a PWD land, thereby also obstructing the egress and ingress of the petitioner's property unlawfully.

It is submitted that despite the petitioner having made a representation to the respondent no. 2, no steps have been taken in that regard.

Despite service, none appears on behalf of the respondents. Affidavit-of-service filed in Court today be kept on record.

Accordingly, the matter is taken up for hearing *ex parte*.

In view of the allegation of the petitioner being substantially true to the effect that the respondent authorities apparently have not taken any steps on the petitioner's representation, WPA No. 14634 of 2023 is disposed of by directing the

respondent no. 2, the Sub-Divisional Officer, Diamond Harbour, to consider the representation of the petitioner with regard to the allegation that the private respondents have encroached upon a PWD land and to hold an enquiry in that regard, upon giving adequate opportunity of hearing to the petitioner as well as the private respondents, if necessary, upon calling for a report from the concerned Block Land and Land Reforms Officer.

Such enquiry shall be completed by due process of law, positively within four weeks from the date of communication of this order to the respondent no. 2. After such enquiry, if the respondent no. 2 is *prima facie* satisfied of such unlawful encroachment, appropriate proceeding shall be drawn up by respondent no. 2 before the competent forum in that regard.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)