

13.09.2023
rc/ct.no.10
Item No.315

WPA No. 14724 of 2023
Sri Amar Nath Dutta & Anr.
Versus
The State of West Bengal & Ors.

Mr. Subhasis Bandyopadhyay
Mr. Priyabrata Batabyal ...for the petitioners

Mr. Ayan Banerjee
Mr. Vijay Agarwal
Ms. Debasree Dhamali ...for the State

Affidavit of service filed in Court today is taken on record.

Notices upon the private respondents have been served but have returned with an endorsement 'refused' which amounts to good service.

None appears for the private respondents.

The petitioners claim to be the recorded owners of the plot in question and submit that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining their plot, thereby obstructing their ingress and egress. The petitioners have submitted a representation before the concerned authority in this regard on January 04, 2023 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 State-respondents that the 5th respondent 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 representation submitted by the petitioners on January 04, 2023 within a period of three months from the date of communication of this order, after giving 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 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)