

March 01, 2023
ARDR
(40)

WPA 15353 of 2022

Moktar Hossain Mondal
Vs.
The State of West Bengal & ors.

Adv. Raju Mondal,
...for the petitioner.
Adv. Md. G. N. Imrohi,
...for the private respondents.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

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

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that the private respondents have raised unauthorised construction by encroaching upon the road adjoining the petitioner's land thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 8th June, 2022 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 State respondents that the 2nd respondent be directed to consider the representation in accordance with law.

Learned counsel for the private respondents denies and disputes the allegation made by the petitioner.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner dated 8th June,

2022 within two 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 encroachment of the road or any portion thereof is found, the concerned authority shall take necessary steps for removal of the same in accordance with law.

With the aforesaid directions, WPA 15353 of 2022 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)