

13.09.2023
rc/ct.no.10
Item No.321

WPA No. 15673 of 2023
Sk. Abdul Jabbar
Versus
The State of West Bengal & Anr.

Mr. Salil Kumar Maiti	
Ms. Pinki Saha	
Ms. Dalan Samanta	...for the petitioner
Mr. Priyabrata Batabyal	...for the State
Mr. Raj Kumar Sain	..for the private respondent

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

None appears on behalf of the State-respondents despite service.

Mr. Priyabrata Batabyal, learned advocate, who usually appears on behalf of the State-respondents and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. Batabyal in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. Batabyal in course of this day.

The petitioner claims to be the recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his plot, thereby

obstructing his ingress and egress. The petitioner has submitted a representation before the concerned authority in this regard on May 26, 2023 which is yet to be considered. The petitioner prays 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 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner on May 26, 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 petitioner 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)

