

December 21, 2023
ARDR (519)

WPA 15826 of 2023

Madhusudan Rana
Vs.
The State of West Bengal & ors.

Adv. Pankaj Halder,
Adv. Samarjit Balial,
Adv. Neelabha Bera,

...for the petitioner.

Adv. Dilip Kumar Saha,
Adv. Ahriti Das,

...for the respondent nos. 6,7 & 9.

Adv. Ayan Banerjee,
Adv. Chanan Kumar Mondal,

...for the State.

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 Government land adjoining his plot, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 30th November, 2022 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the private respondents submits that the private respondents have been paying tax in respect of the construction raised by them in the plot in dispute and are not encroachers thereon.

Learned counsel for the State respondents submits 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 dated 30th November, 2022 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.

With the aforesaid directions the writ petition is disposed of.

There shall however, 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.)