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jdt.

18.07.2023
jb.

W.P.A. 16373 of 2022
(Dhananjoy Dey vs. State of West Bengal & Ors.)

Mr. Bharat Ch. Simai
Ms. Sanchaiya Das
.... For the Petitioner

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

None appears for the State respondents despite service.

Mr. Soumitra Bandyopadhyay who is present in Court and usually appears for the State is requested to represent the State in this matter along with a junior of his choice. The appointment of Mr. Bandyopadhyay, learned advocate and Mr. Priyabrata Batabyal, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition along with annexure thereto be served upon Mr. Bandyopadhyay in course of the day.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his plot, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 27th 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 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 27th June, 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.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)