

16
22.11.2023
Ct. No.10
b.das

WPA 16611 of 2023

Hosne Ara Begum
Vs.
The State of W.B. & Ors.

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
...for the petitioner.

Mr. K . N. Nabi
Mr. Dipjyoti Chakraborty ...for the State.

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

None appears for the Barasat Municipality despite service.

Heard learned counsels for the parties.

The petitioner appears to be recorded owner of LR Dag No.132, JL No.78, LR Khatian No.773 and 2987/1 (Barasat Municipality).

The allegation of the petitioner is two-fold:- the Municipality is raising construction in the government land in dag nos.127 and 128 recorded as 'pukurpar' and 'pukur' respectively, adjoining the petitioner's land and in the process, has raised construction by encroaching upon a portion of the petitioner's land without acquiring the same by due process of law.

The petitioner seeks to submit a comprehensive representation ventilating her grievance before the concerned authority and prays for direction upon the

concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 7th respondent be directed to deal with the representation, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 7th respondent within two weeks from date. The 7th respondent is directed to consider and dispose of the representation within a period of four weeks from the date of receipt thereof after granting reasonable opportunity of hearing to all concerned including the petitioner and the Barasat Municipality, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

Pending disposal of the representation, no further construction shall be made by the authority by encroaching upon the petitioner's land.

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.)