

24.01.2023
rc/ct.no.10
Item No.62

WPA No. 17284 of 2022

Mr. Debasish Banerjee
Mr. Supreem Naskar
Mr. Rakesh Jana ...for the petitioner

Mr. Ansar Mondal
Mrs. Sreelekha Bhattacharjee ...for the State

Mr. Pritam Majumder ...for the Municipality

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

It appears from the envelop addressed to the private respondent that the same has been refused by the latter. Such refusal amounts to good service.

None appears for the private respondent.

Heard learned counsels appearing on behalf of the parties.

The petitioner claims to be the owner of the plot in question and complains that a road has been constructed over the said plot without acquiring the same, which is used by the public at large.

Learned counsel for the respondents no. 4, 5 and 6 submits that the Municipality has not constructed any such road. The petitioner prays for a direction upon the concerned authority to restore the land to its original form and return the same to him. The petitioner seeks to submit a comprehensive representation stating the entire facts before the concerned authority being the 7th respondent

herein and 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 7th respondent be directed to consider the said 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 ventilating his grievance within a fortnight from date. The 7th respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof after affording reasonable opportunity of hearing to all interested parties including the petitioner, in accordance with law.

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

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)