

20.12.2023
rc/ct.no.10
Item No.524

WPA No. 16955 of 2023
Jayanta Paul
Versus
The State of West Bengal & Ors.

Mr. Kushal Chatterjee
Mr. Shibjit Mitra
Mr. Prasayan Mukherjee ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

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

On the prayer of the petitioner liberty is granted to implead the District Magistrate, Howrah as respondent no. 10 in the writ petition.

The cause title of the writ petition be amended accordingly.

It is contended on behalf of the petitioner that the petitioner was allowed to construct a guardwall in his own land at his own cost for protection of his dwelling house from soil erosion without obstructing the flow of the river adjoining his land, by an order passed by the District Magistrate, Howrah on March 19, 2020. The petitioner constructed a wooden bridge over the river at his own cost upon approval of the Howrah Zilla Parishad and the said bridge is used by the petitioner as well as the public at large upon paying toll to the petitioner for the same. The petitioner applied before the concerned authority for

replacing the joists of the bridge by concrete pillars at his own cost and submitted relevant documents in this connection before the authority.

Learned counsel for the petitioner submits that all of a sudden the petitioner found that the respondent authorities started construction of a new bridge by encroaching upon a large portion of the petitioner's land, excavating earth therefrom and felling trees. The petitioner submitted a representation ventilating his grievance before the concerned authority on May 02, 2023 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest and refrain from continuing with the construction till the representation is disposed of.

The petitioner has no objection if the land of the petitioner is acquired by due process of law by the authority prior to raising construction therein.

Learned counsel for the respondents submits that the 10th respondent be directed to consider the representation of the petitioner in accordance with law.

In view of the above, the writ petition is disposed of directing the 10th respondent to consider and dispose of the representation submitted by the petitioner on May 02, 2023 within a period of one month from the date of communication of this order, upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

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

Pending disposal of the representation the respondent authorities are restrained from carrying on any further construction work by encroaching upon any portion of the petitioner's land.

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)