

August 16, 2023
(46) ARDR

WPA 17654 of 2023

Tajauddin Sardar
Vs.
The State of West Bengal & ors.

Adv. Debasish Sur,
Adv. Anujit Maity,
Adv. Goutam Sardar,
Adv. Sarama Maity,
...for the petitioner.
Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,
...for the State.

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

None appears for the private respondents despite
service.

On prayer of the petitioner, liberty is granted to
implead the Assistant Engineer, P.W. (Roads) Department,
Diamond Harbour, as respondent no.24 in the writ
petition.

The cause title of the writ petition be amended
accordingly.

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 road adjoining his
plot thereby obstructing his egress and ingress. The
petitioner submitted a representation before the concerned
authority on 26th May, 2023 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 24th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 24th respondent to consider and dispose of the representation submitted by the petitioner dated 26th May, 2023 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, being WPA 17654 of 2023 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)