

16.08.2023
rc/ct.no.10
Item No.55

WPA No. 17971 of 2023
Rekha Rani Sahoo and Rishi Sahoo
Vs.
The State of West Bengal & Ors.

Mr. Debanik Banerjee
Mr. Steven Sourodip Biswas ...for the Petitioner

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

Mr. Tamal Taru Panda
 ...for the respondent nos. 7 to 9

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

None appears for the respondent no. 4 despite service.

On the prayer of the petitioners, liberty is granted to implead the Block Land and Land Reforms Officer, Chandipur, District – Purba Medinipur as respondent no. 10 in this writ petition. The cause title of the writ petition be amended accordingly.

It is contended on behalf of the petitioners that the petitioners have acquired the right of user of the pond in question adjacent to their plot. The petitioners allege that the private respondents are trying to fill up the said pond illegally. The petitioners submitted a representation in this regard before the concerned authority on January 04, 2023 which is yet to be considered. The petitioners pray

for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the private respondents that the private respondents have acquired right, title and interest in respect of the plot in which the pond is situated and no condition/ restriction is attached to their deed.

Learned counsel for the State-respondents submits that the 10th respondent be directed to consider the representation submitted by 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 petitioners dated January 04, 2023 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observations and directions this writ petition being WPA No. 17971 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)