

03.04.2023
rc/ct.no.10
Item No.13

WPA No. 18634 of 2018
With
CAN No. 1 of 2018 (Old NO. CAN/9185/2018)

Mr. Moloy Roy
Mrs. Pouami Bose ...for the petitioner

Re : CAN No. 1 of 2018 (Old NO. CAN/9185/2018)

None appears for the State respondents.

This is an application for restoration of the writ petition which was dismissed for default by an order dated November 15, 2018.

Sufficient grounds being made out by the petitioner as to his non-appearance on the relevant date, CAN No. 1 of 2018 (Old NO. CAN/9185/2018) is allowed.

The order dated November 15, 2018 is recalled/set aside.

WPA No. 18634 of 2018 is restored to its file and number.

CAN No. 1 of 2018 (Old NO. CAN/9185/2018) is disposed of accordingly.

There shall be, however, no order as to costs.

Re : WPA No. 18634 of 2018

On the prayer of the petitioner liberty is granted to implead the Assistant Engineer, Tamluk Highway Division, P.W. (Road) Directorate, Tamluk, Purba Medinipur as respondent no. 12 in the writ petition.

The cause title of the writ petition be amended accordingly.

None appears for the respondents.

The petitioner seeks to be the recorded owner of the plot in question and complains that the private respondents have encroached upon a portion of the PWD road adjoining his plot, thereby obstructing his ingress and egress. The said portion of the road initially belonged to the predecessor in interest of the private respondents and was acquired by the Government. The said predecessor received compensation for the same. Taking advantage of the fact that the record of rights is still in the name of the predecessor in interest of the private respondents, the said respondents have encroached upon a portion of the road illegally. The petitioner seeks to submit a representation before the concerned authority, being the 12th respondent herein and prays for a direction upon the said respondent to consider the representation at the earliest.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation ventilating his grievance before the 12th respondent within 10 days from date. The 12th respondent is directed to consider and dispose of the representation within three months from the date of receipt thereof after affording reasonable opportunity of hearing to all

interested persons including the petitioner and the private respondents, in accordance with law.

Since the respondents are not represented today, a copy of the order be made over to the respondents by the petitioner at the earliest.

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)