

July 11, 2023
(24) ARDR

WPA 21382 of 2022

Sefalil Marick & ors.

Vs.

The State of West Bengal & ors.

Adv. Sk. Toslim Ali,
Adv. Saba Parween,

...for the petitioners.

Adv. Ashim Kumar Ganguly,

...for the State.

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

None appears for the 5th respondent being the Bhandargachi Gram Panchayat despite service.

The grievance of the petitioners is that the Panchayat authority has constructed a *pucca* road by encroaching upon the petitioners' land without acquiring the same by due process of law. The petitioners have submitted a representation in this regard before the concerned authority on 29th August, 2022 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submission made by the parties, this Court is inclined to hold that since the representation submitted by the petitioners before the Panchayat authority in respect of the alleged encroachment of their land is yet to be considered, such representation be considered and disposed of by the concerned authority, being the 5th respondent herein, within two months from

the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

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

Since the 5th respondent is not represented, the petitioners are directed to serve a copy of this order along with a copy of the representation upon the 5th respondent at the earliest.

With the aforesaid directions, WPA 21382 of 2022 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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.)