

WPA 22666 of 2022

Jamalpur Gonj Baroari Welfare Society & Anr.
Vs.
The State of W.B. & Ors.

Mr. Timir Baran Saha ...for the petitioners.

Mr. Sanjib Kr. Mukhopadhyay
Ms. Aparupa Bhattacharya
Ms. N. Parveen ...for the respondent No.8.

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

None appears for the State respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioners should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

On prayer of the petitioners liberty is granted to implead the Sub-Divisional Officer, Bardhaman Sadar Sub-Division, Purba Bardhaman as respondent No.9 in the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

The petitioners complain that the private respondent has raised unauthorised construction by encroaching upon government land adjoining their property, thereby hindering user of their property.

The petitioners seek to submit a comprehensive representation ventilating their grievance before the concerned authority and pray for direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the private respondent that the private respondent has raised construction on his raiyati land upon obtaining sanctioned building plan from the concerned authority and has not encroached upon any portion of government land.

Learned counsel further submits that the Sub-Divisional Officer held an enquiry in this regard earlier and was satisfied that no portion of the government land was encroached upon.

It is submitted on behalf of the State respondents that the 9th 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 with liberty to the petitioners to submit a comprehensive representation before the concerned authority, being the 9th respondent herein, within 15 days from date. The 9th respondent is directed to consider and dispose of the

representation within a period of three months from the date of receipt thereof after granting reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

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

With the above observations and directions this writ petition being WPA 22666 of 2022 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)