

504
01.12.2023
Ct. No.10
b.das

WPA 23268 of 2023

Sk. Jamshed Ali & Ors.
Vs.
The State of W.B. & Ors.

Mr. Robiul Islam
Sk. Jayed Hossain ...for the petitioners.

Ms. Saheli Sen
Mr. P. K. Tripathi ...for the State.

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

None appears for the private respondent despite service.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that the private respondent has encroached upon government land adjoining their plot by raising unauthorised construction therein, thereby obstructing their egress and ingress.

The petitioners submitted a representation in this regard before the concerned authority on 31st August, 2023 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents that pursuant to the representation submitted by the petitioners, enquiry has been held by the authority and

upon detection of illegal encroachment upon the government land proceeding under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 has been initiated.

In view of the above, this Court is inclined to hold that since proceeding under the 1962 Act has been initiated, the concerned authority being the 4th respondent herein, be directed to take the proceeding to its logical conclusion within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners and the private respondent, in accordance with law.

The writ petition is disposed of.

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

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.)