

December 6, 2023
ARDR (492)

WPA 23358 of 2023

Aswini Kumar Giri, the Secretary of
Khejuri Samabay Krishi Unnayan Samity Limited
Vs.
The State of West Bengal & Ors.

Adv. Raj Kumar Sain,
Adv. Sandipan Maity,
...for the petitioner.
Adv. Manish Kumar Das,
...for the respondent nos. 8 to 10.

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

None appears for the State respondents, despite
service.

Mr. Soumitra Bandyopadhyay, advocate who usually
appears for the State and is present in Court today, is
requested to represent the State along with his junior Mr.
Priyabrata Batabyal, advocate in this matter.

Their appointment be regularised by the office of the
learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ
petition along with annexures thereto upon Mr. Batabyal,
advocate in course of this day.

The petitioner claims to be the Secretary of Khejuri
Samabay Krishi Unnayan Samity Limited, which is the
recorded owner of the plot in question. The petitioner
complains that the private respondents have raised

unauthorised construction by encroaching upon a portion of Government land adjoining the plot owned by the Samity, thereby obstructing its egress and ingress. The petitioner submitted a representation before the concerned authority on 28th August, 2023 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the private respondents submits that the private respondents have been granted temporary licence in respect of the portion of the plot wherein they have raised construction.

Learned counsel for the State respondents submits that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 28th August, 2023 within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

With the above observation and direction, the writ petition 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.)