

December 21, 2023
ARDR (532)

WPA 24111 of 2023

Indira Roy
Vs.
The State of West Bengal & ors.

Adv. Sohhom Sau,
Adv. Arup Kumar Mondal,
Adv. Bishnupada Jana,
...for the petitioner.
...for the State.

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

Service upon the private respondents has returned with an endorsement “refused” which amounts to good service.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon the PWD road adjoining his property, thereby obstructing his egress and ingress. The petitioner seeks to submit a comprehensive representation before the concerned authority in this regard and prays for a direction upon the authority to consider the representation at the earliest and take necessary steps for removal of such encroachment.

Learned counsel for the respondents submits that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive

representation before the 5th respondent within two weeks from date. The 5th respondent is directed to consider and dispose of the representation within three months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

In the event encroachment upon the PWD road or any portion thereof is found, the authority shall take necessary steps for removal of the same, in accordance with law within the stipulated time frame.

With the aforesaid directions the writ petition is disposed of.

There shall however, 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.)