

December 8, 2023
ARDR (502)

WPA 25133 of 2023

Amritangsu Jana & anr.
Vs.
The State of West Bengal & ors.

Adv. Bharat Chandra Simai,
Adv. Sanchayita Das,
...for the petitioners.
Adv. Krishna Deo Das.
Adv. Balaram Pandit,
...for the respondent no.11.
Adv. Tarun Kumar Ghosh,
Adv. Suvasree Ghose,
...for the State.

On prayer of the petitioners, liberty is granted to
correct the cause title of the writ petition.

The cause title of the writ petition be amended
accordingly.

The petitioners claim to be the recorded owners of
the plot in question and complain that the private
respondents have raised unauthorised construction by
encroaching upon a portion of the PWD land adjoining
their property, thereby obstructing their egress and
ingress.

The petitioners submitted a representation before the
concerned authority in this regard on 3rd October, 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 private respondent no.11
submits that the petitioners have also encroached upon the
PWD land and a representation in that regard has been

submitted by this respondent before the concerned authority on 25th November, 2023 which is also pending.

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 representations submitted by the petitioners as well as the private respondent no.11 dated 3rd October, 2023 and 25th November, 2023 respectively within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

In the event encroachment upon the PWD land or any portion thereof by any of the parties is found, necessary steps be taken by the 3rd respondent for removal of the same in accordance with law within the stipulated time frame. With the above observations and 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.)