

May 18, 2023
(74) ARDR

WPA 26874 of 2022

Arup Majhi
Vs.
The State of West Bengal & ors.

Adv. Sk. Sahjahan Ali,
...for the petitioner.
Adv. Chandi Charan De,
Adv. Somnath Mukherjee,
...for the State.

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

None appears for the private respondent, despite service.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondent has raised unauthorised construction by encroaching upon the PWD road adjoining to his plot, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard on 18th October, 2022 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 18th

October, 2022 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 respondent, in accordance with law.

With the aforesaid directions, WPA 26874 of 2022 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)