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jdt.

11.01.2023
jb.

W.P.A. 27024 of 2022
(Ajit Kr. Bera vs. State of West Bengal & Ors.)

Md. Sarwar Jahan
Mr. Sudipta Maiti
.... For the Petitioner

Mr. Chandi Charan De
Ms. Reshmi Rahman
.... For the State

Mr. Mrinal Kanti Ghosh
Mr. Kartick Ch. Kapas
.... For the Respondent No. 7

On prayer of the petitioner liberty is granted to implead the Assistant Engineer, P.W.D. (Roads), Paschim Medinipur as respondent No. 9 in the writ petition. Cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

The petitioner complains of encroachment of public highway by the private respondents by raising unauthorised construction therein and obstructing the egress and ingress of the petitioner. The petitioner submitted a representation in this regard before the concerned authority on 11th 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 private respondents that no encroachment has been made by

the private respondents. It is the petitioner who has encroached upon the Government land.

Learned counsel for the State respondents submits that the 9th respondent be directed to consider the representation, in accordance with law.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of directing the 9th respondent to consider and dispose of the representation submitted by the petitioner dated 11th 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 respondents, in accordance with law.

The writ petition is thus disposed of .

There shall be, however, 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.)