

541
21.12.2023
Ct. No.10
b.das

WPA 26056 of 2023

Ashis Kumar Rout & Anr.
Vs.
The State of W. B. & Ors.

Mr. Soumik Ganguly
Mr. D. K. Sadhu
Mr. Lalratan Mondal ...for the petitioners.

Mr. Pritam Choudhury
Mr. Debangshu Nandi ...for the State.

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

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.

None appears for the private respondents despite service.

Heard learned counsels for the parties.

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 road adjoining their property, thereby obstructing their egress and ingress.

The petitioners seek to submit a comprehensive representation before the 3rd respondent and pray for

direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the representation submitted by the petitioners, 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 annexing relevant documents before the 3rd respondent within three weeks from date. The 3rd 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 concerned including the petitioners and the private respondents, in accordance with law.

In the event encroachment upon PWD road or any portion thereof is found, the concerned authority shall take necessary steps 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.)