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jdt.

11.01.2023
jb.

W.P.A. 27026 of 2022
(Mohan Chandra Samanta vs. State of West Bengal & Ors.)

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

Mr. Ansar Mondal
Mr. Sougata Mitra
.... For the State

Mr. Uday Sankar Betal
.... For the Respondent Nos. 7-10

On prayer of the petitioner liberty is granted to implead the Assistant Engineer, P.W.D. (Roads), Paschim Medinipur as respondent No. 11 in the writ petition. Cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

The grievance of the petitioner is that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD road, thereby obstructing egress and ingress of the petitioner. The petitioner submitted a representation in this regard before the concerned authority on 15th September, 2022 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

In producing copy of record of rights in respect of the plot in question, it is submitted on behalf of the private respondents that the private respondents are in

possession of debotter property for the last 40 years. The record of rights does not indicate that plot No. 1160 or any portion thereof is owned and occupied by the PWD.

Be that as it may, since the representation submitted by the petitioner before the concerned authority is pending, the concerned authority be directed to consider the same within a stipulated time frame, in accordance with law.

Accordingly, the writ petition is disposed of directing the 11th respondent to consider and dispose of the representation submitted by the petitioner dated 15th September, 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.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the representation submitted by the petitioner independently and without being influenced by any observation which may have been made in his order.

The writ petition is thus disposed of.

There shall 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.)