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jdt.

11.01.2023
jb.

W.P.A. 27041 of 2022
(Anupam Mondal vs. State of West Bengal & Ors.)

Md. Sarwar Jahan
Mr. Sudipta Maiti
.... For the Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Subhasish Bandyopadhyay
.... For the State

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

None appears for the private respondents despite service.

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 grievance of the petitioner is that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD land adjoining the petitioner's property, thereby obstructing egress and ingress of the petitioner. The petitioner submitted a representation in this regard before the concerned authority on 10th 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 9th respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 9th respondent to consider and dispose of the representation submitted by the petitioner dated 10th 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.

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.)