

01.02.2023
rc/ct.no.10
Item No.64

WPA No. 27046 of 2022

Mr. M.Kr. Das
Mr. A. Mondal
Mr. T. Shill
Mr. M. Hossain ...for the petitioner

Mr. Chandan Kumar Mondal
Mr. Manoj Malhotra ...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the private respondents 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 a portion of the PWD road adjoining his plot, thereby obstructing his ingress and egress. The petitioner has submitted a representation before the concerned authority on 28th August, 2019 which is yet to be considered.

It is submitted on behalf of the State-respondents that pursuant to the representation submitted by the petitioner the Block Land and Land Reforms Officer has been requested to demarcate the plot in question and submit a report before the concerned authority.

In view of the above, this Court is inclined to hold that since demarcation of the allegedly encroached plot is in progress, the concerned authority, being the 5th

respondent herein, be directed to consider and dispose of the representation submitted by the petitioner on 28th August, 2019 upon receipt of the demarcation report within three months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)