

13.09.2023

Ct. no.654

Sl. Nos.4

sn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 27248 of 2022

**Namaji Sheik
Vs.
State of West Bengal & Ors.**

Mr. Prabal Kumar Mukherjee.. Sr.Adv.
Ms. Shebatee Datta
..for the petitioner

Mr. Chandi Charan De..ld.AGP
Mr. Anirban Sarkar
..for the State

This writ petition is filed under Article 226 of the Constitution of India by the petitioner for a direction upon the respondent authorities to consider the representation of the petitioner.

The fact in a nutshell is that the petitioner is the sole owner in respect of the property being Sekh Para, Mouza-Babultali, J.L. No. -83 in Daag Nos.- 431 and 429/11151. The petitioner resides on the first floor and is running his business in the said property. The petitioner has an insured godown attached with the house which is only used for his business purpose through which he earns his livelihood. The godown is used to store agricultural products for his business purpose. The main road is situated in front of the property in question and is wide in front of the petitioner's premises. Due to illegal

encroachment of the frontage by occupying the government land, the petitioner is unable to make access to the godown. During the Covid Pandemic, the private respondents constructed about three rooms illegally in front of petitioner's premises. The petitioner immediately complained before the respondents being the District Magistrate, Superintendent of Police, Berhampore and Officer-in-charge, Raninagar Police Station in the month of November, 2022 but unfortunately the petitioners did not receive any response from such authorities. Hence, this writ petition.

Mr. Prabal Mukherjee, learned Senior Advocate for the petitioner submits that representation for removal of illegal encroachment on the government land was made way back in November, 2022 before the concerned authorities but in spite of the same, no steps have been taken by the respondent authorities for removal of such illegal encroachments. The petitioner for reason of such illegal encroachment is facing problems in making ingress and egress to his godown. He submits for passing necessary directions upon the respondent no. 3 for considering the representation of the petitioner.

Mr. Chandi Charan De, learned advocate for the State-respondents submits that direction may be issued upon the respondent no. 3 for considering the representation of the petitioner.

It is found that the petitioner for removal of alleged illegal encroachment has made a representation in the month of November, 2022. However, admittedly such representation has not yet been considered by the concerned authorities. In view of the above facts, the respondent no.3 is directed to dispose of the representation made by the petitioner within a period of three months from the date of communication of this order.

The learned advocate-on-record for the petitioner is directed to communicate this order annexing a copy of the representation of the petitioner to the concerned authorities, i.e. the respondent no.3 in this writ petition.

With the above observations, this writ petition stands disposed of.

There will be, however, no order as to costs.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)