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jdt.

13.02.2023
jb.

W.P.A. 29110 of 2022
(Nabichan Bibi @ Sk. Nabichan Bibi & Anr. vs. State of West Bengal & Ors.)

Mr. Manas Kr. Das
Mr. Asraf Mondal
Mr. Aritra Kr. Tokdar
.... For the Petitioners

Mr. Partha Pratim Roy
Mr. R. C. Guchhait
.... For the State

Mr. Prabir Majumder
Mr. Snehansu Majumder
.... For the Private Respondent

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

None appears for the 9th respondent despite service.

The petitioners claim to be owners of the plot in question and submit that the private respondents have raised unauthorised construction by encroaching upon the portion of the P.W.D. road adjoining their plots, thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard before the concerned authority on 28th August, 2019 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the 8th respondent that this respondent has been possessing the disputed portion of the land for more than 50 years and has, in

no manner, disturbed the egress and ingress of the petitioners who have purchased their plot only about 4 years ago.

It is submitted on behalf of the State respondents that the 5th respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner dated 28th August, 2019 within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)