

15.05.2023
rc/ct.no.10
Item No.02

**WPA No. 7729 of 2020
with
CAN No. 1 of 2023
Bharati Pradhan
Versus
The State of West Bengal & Ors.**

Mr. Partha Sarathi Das ...for the Petitioner

Mr. Chandi Charan De
Mrs. Chandana Ghosh for the State

Re : CAN No. 1 of 2023

This is an application for restoration of the writ petition which was dismissed for default by an order dated March 24, 2023.

Sufficient grounds being made out by the petitioner as to his non-appearance on the relevant date, CAN No. 1 of 2023 is allowed.

Learned counsel appearing on behalf of the State-respondents also raises no objection to this application.

The order dated March 24, 2023 is recalled/set aside.

WPA No. 7729 of 2020 is restored to its file and number.

CAN No. 1 of 2023 is disposed of accordingly.

Re : WPA No. 7729 of 2020

Heard learned counsels for the parties.

It is contended on behalf of the writ petitioner that the State-respondents have encroached upon the western side of her land by installing pipeline and raising a boundary wall. The petitioner submitted a representation before the respondent authorities on September 10, 2020 which has not been considered as yet. The petitioner prays for a direction upon the respondent authorities to consider and dispose of the said representation.

It is submitted on behalf of the State-respondents that the 4th respondent be directed to consider and dispose of the representation in accordance with law.

In view of the above, this writ petition is disposed of with a direction upon the 4th respondent to consider and dispose of the representation filed by the petitioner on September 10, 2020 within a period of one month from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

The decision taken by the authority will be communicated to the petitioner within a week thereafter.

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

There shall be, however, 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)