

39
jdt.

03.04.2023
jb.

W.P.A. 11212 of 2020
(Bimal Kumar Bera vs. State of West Bengal & Ors.)

Ms. Rita Patra
.... For the Petitioner
Mr. Susovan Sengupta
Mr. Srikanta Paul
.... For the State

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

None appears for the private respondents despite service.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the PWD road adjoining his property thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 6th August, 2020 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 the 4th respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 6th August, 2020 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 respondents, in accordance with law. In the event encroachment upon the Government road/land or any portion thereof is found, the concerned authority shall take necessary steps for removal of the same forthwith.

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.)