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16.5.2024
Ct. No. 28
SB

W.P.A. 643 of 2024

Barjahan Sk @ Sk. Barjahan Ali
Vs.
The State of West Bengal & Ors.

Mr. Lal Ratan Mondal
Ms. Sk. Kiran ... for the petitioner

Mr. Tarun Kumar Ghosh
Ms. Suvasree Ghose ... for respondents

Mr. Subhasish Bhattacharyya
... for respondent nos. 9 & 10

In the present writ petition the petitioner is the owner of 1.51 decimal Viti Land in Mouza – Sagarpara, J.L. No. 10, Khatian No. 7106, Plot No. 6319, P.S. – Sagarpara, Dist – Murshidabad by virtue of a deed of sale for the year of 2006. The petitioner is in the absolute possession of the said Viti Land. Adjacent to the said Viti Land the petitioner has his dwelling house wherein he resides with his family members. In the eastern side of the petitioner's aforesaid piece of Viti Land an illegal and unauthorized construction has been made by the private respondent Nos. 9 and 10 upon encroaching the P.W.D. Land and besides that in such unauthorized construction the private respondent Nos. 9 and 10 have been running a shop for their personal gains. Due to such illegal construction upon encroaching the P.W.D. land the petitioner and his family members have been facing great inconvenience for free egress and ingress from and to the petitioner's dwelling house in the petitioner's said Viti Land. In the wake of such situation, the petitioner has made a letter of prayer dated 21.12.2023 before

respondent No. 5 and requested the said authorities for their kind intervention into the matter for the removal of the aforesaid encroachment of the land of the P.W.D. roads. In spite of such representation the concerned authorities have turned a deaf ear to such request.

Learned counsel for the petitioner has filed the present writ petition alleging that the P.W.D. authorities have failed to perform their obligations without taking any appropriate actions in order to redress the grievance of the petitioner upon his representation dated 21.12.2023.

The learned counsel for respondent nos. 1 to 8 states that they shall decide the representation of the petitioner in a time bound manner preferably within a period of eight weeks after affording an opportunity of hearing to the petitioner as well as the respondent nos. 9 and 10.

The respondents shall pass a speaking order after affording an opportunity of hearing to both the sides.

The petitioner at this stage states that he shall be satisfied if his representation is considered by the respondents.

In view of the direction, he does not wish to press this writ petition.

Let the representation be considered as mentioned above.

With this direction, the writ petition is disposed of as not pressed.

(Gaurang Kanth, J.)