

19.02.2024
rc/ct.no.10
Item No.660

WPA No. 1406 of 2024
Nurul Islam & Ors.
Versus
State of West Bengal & Ors.

Mr. Avishek Prasad	
Mr. Sourodeep Singha	...for the petitioners
Mr. Chandi Charan De	...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the State respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State respondents and is present in Court today, is requested to represent the State respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

Heard learned counsels appearing on behalf of the parties.

The petitioners claim to be the owners of the plot in question and submit that they have inherited the said plot from their predecessor in interest and earn their livelihood by cultivating the same. The petitioners complain that the

respondents have encroached upon the said plot illegally and have been raising construction therein though the plots have neither been acquired, nor any compensation paid to the petitioners for the same. Several representations submitted by the petitioners before the authority in this regard have fallen on deaf ears. The petitioners seek consideration of their representation submitted on August 16, 2022.

Learned counsel for the respondents submits 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 the representation of the petitioners dated August 16, 2022 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

Pending disposal of the representation, the respondents are restrained from raising any further construction on the plot in question or encroaching upon the same in any manner.

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

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

Since no affidavit 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)