

03.05.2024

Ct. no.654

Sl. No.219

ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 1829 of 2023
(specially assigned)

Sk. Jiyad Ali
Vs.
State of West Bengal & ors.

Mr. Dyutiman Banerjee
Mr. Salil Kumar Maiti
... for the petitioner

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar
... for the State

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

Despite service none appears on behalf of the respondent no.7.

Mr. Dyutiman Banerjee, learned Advocate for the petitioner submits that the petitioner is the recorded owner of plot no.357 measuring more or less 18 decimals within Mouza Hirarampur, J.L. No.168 under District Purba Midnapore. The respondent no.7 has constructed *pucca* structure on the Government land affecting the ingress and egress of the petitioner. The petitioner made representation on 28th November, 2022 before the State authorities, which has not been considered. Hence, this writ petition. He seeks for direction upon the respondent

no.3, the Sub-Divisional Officer, Haldia, Purba Midnapore for considering the representation of the petitioner dated 28th November, 2022.

Mr. Chandi Charan De, learned Additional Government Pleader appearing on behalf of the State-respondent submits that direction be passed upon the respondent no.3, the Sub-Divisional Officer, Haldia for consideration of the representation of the petitioner within a stipulated period after conclusion of General Elections, 2024.

Having heard the learned Advocates for the respective parties, the respondent no.3, the Sub-Divisional Officer, Haldia, Purba Midnapore, is directed to consider and dispose of the representation of the petitioner dated 28th November, 2022 within a period of two months from the date of conclusion of General Elections, 2024 after giving opportunity of hearing to all concerned including the petitioner and the respondents by passing a reasoned order in accordance with law.

The result of disposal shall be communicated to the petitioner within one week thereof.

Learned Advocate for the petitioner is directed to serve copy of this order upon the respondent no.3, the Sub-Divisional Officer, Haldia.

It is made clear that this Court has not gone into the merits of this writ petition.

With the aforesaid direction, the writ petition being **W.P.A. 1829 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

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

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)