

09.01.2024

Ct. no.654

Sl. No.28

sn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 4733 of 2023

**Indu Bala Manna & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Satyajit Mondal

Mr. Shouvik Naskar

Mr. A.B. Mahata

..for the petitioners

Mr. Answar Mondal

Md. Idris

..for the State

Mr. Debasis Sur

Mr. Angshuman Patra

..for the respdts.9&10

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

This is an application under Article 226 of the Constitution of India filed by the petitioners praying for consideration of the representation of the petitioners dated 10th December, 2022 submitted before the respondent no.3, Assistant Engineer, Haldia Highway Division, PWD (roads) Directorate.

Mr. Satyajit Mondal, learned advocate for the petitioners submits that illegal construction has been made by the private respondent nos. 9 and 10 besides the Government road over the land belonging to the PWD road which has affected ingress and egress of the petitioners. On such premise, the petitioners made a representation on 10th December, 2022 before the

authority concerned for removal of aforesaid illegal/ unauthorised construction over the land of PWD (roads), however, no such step has been taken. Hence, this writ petition. He prays for appropriate orders for consideration of the representation dated 10th December, 2022.

Mr. Ansar Mondal, learned advocate for the State respondents as well as Mr. Debasish Sur, learned advocate for the respondent nos. 9 and 10 submits that direction may be issued for considering the representation of the petitioners after giving a reasonable opportunity of hearing to all concerned parties.

Upon hearing the learned advocates for respective parties and considering the materials on record, the Assistant Engineer, Haldia Highway Division, PWD(Roads) being the respondent no.3, is directed to consider and dispose of the representation submitted by the petitioners on 10th December, 2022 by a reasoned order within a period of two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioners in accordance with law.

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

The learned advocate on record for the petitioners is directed to communicate this order along with a copy of the representation dated 10th December, 2022 of the petitioners to respondent no.3.

Since no affidavit has been invited, allegation contained in the writ petition shall be deemed not to have been admitted.

It is made clear that the Court has not gone into the merits of the case and the parties shall be at liberty to place their respective contentions before the competent authority at the time of hearing.

With the above directions, this writ petition being **WPA 4733 of 2023** stands disposed of along with all connected applications, if any.

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

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.)