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

**WPA 4861 of 2023
(specially assigned)**

**Sanjib Das
-Vs-
The State of West Bengal & Ors.**

Mr. Raj Kr. Sain

Mr. Avijit Roy

... for the petitioner

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

This writ petition has been filed by the petitioner under Article 226 of the Constitution of India for removal of unauthorised construction undertaken by the respondent no.8.

Mr. Raj Kr. Sain, learned Advocate for the petitioner submits that for removal of such unauthorised construction a representation has been made by the petitioner before the concerned authority on 30th January, 2023. However, such representation has not been considered as yet. He seeks for appropriate order.

None appears on behalf of the State-respondent.

Mr. Chandi Charan De, learned Additional Government Pleader along with his junior Mr. Arindam Sarkar, learned Advocate, who usually appears on behalf of the State, is requested to appear in this matter. Let appointment of Mr. De, learned Additional Government

along with Mr. Anirban Sarkar, learned Advocate be regularised by the concerned authority.

Mr. De, learned Additional Government Pleader submits that a direction may be passed upon the respondent no.5, the Assistant Engineer, Haldia Highway Sub-Division, Public Works Department (Road), Government of West Bengal, to consider the representation of the petitioner..

Having heard the learned Advocates for the respective parties, the Assistant Engineer, Haldia Highway Sub-Divisional, Public Works Department (Road), Government of West Bengal, respondent no.5, is directed to dispose of the representation of the petitioner dated 30th January, 2023 within a period of three months from the date of communication of this order by passing a reasoned order after giving an opportunity of hearing to all the interested parties including the petitioner as well as private respondent no.8, in accordance with law.

Petitioner is directed to communicate this order to the respondent no.5, the Assistant Registrar, Haldia Highway Sub-Division, Public Works Department (Road), Government of West Bengal.

Since no affidavit-in-opposition has been directed to be filed, the allegations made in the writ petition are deemed to be not admitted.

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

With the above observations, this writ petition being **W.P.A. 4861 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be 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 certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)