

01.02.2024

88

ss

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

**WPA 4976 of 2023
(specially assigned)**

**Ajit Sarkar & ors.
-Vs-
The State of West Bengal & Ors.**

Mr. Shibasis Chatterjee
Mr. Devdutta Pathak
... 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 direction upon the respondent authorities to make arrangement for access/passage from Jangipur-Lalgola road to the petitioners' plot of land being L.R. Plot no.54 under L.R. Khatian No.5139, 5140, 6800, Mouza Sahajadpur, District Murshidabad.

The brief fact of the petitioners' case is that the respondents-P.W.D. authorities have undertaken a work on construction of a piece of Government land due to which the ingress and egress to the land of the petitioners is affected. The petitioners made a representation on 16th February, 2023 for redressal of such grievance, which has not yet been disposed of. Hence, this writ petition.

Mr. Shibasis Chatterjee, learned Advocate for the petitioners submits that the respondent no.4, Executive

Engineer, Raghunathganj Division, Public Works Department, Murshidabad be directed to consider the representation of the petitioner.

None appears on behalf of the State-respondent.

Mr. Chandi Charan De, learned Additional Government Pleader along with his junior Mr. Anirban Sarkr, 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 Pleader along with his junior Mr. Anirban Sarkar, learned Advocate be regularised by the concerned authority.

Mr. De, learned Additional Government Pleader submits that a direction be given to the respondent no.4, Executive Engineer, Raghunathganj Division, Public Works Department, Murshidabad, to consider the representation of the petitioner, in accordance with law.

Having heard the learned Advocates for the respective parties, the respondent no.4, Executive Engineer, Raghunathganj Division, Public Works Department, Murshidabad, is directed to dispose of the representation of the petitioners dated 16th February, 2023 within a period of three months from the date of communication of this order after giving opportunity of hearing to all interested parties including the petitioners by a reasoned order, in accordance with law.

The result of such disposal shall be communicated to the petitioners within a period of one week from the date of passing of such order.

Petitioners are directed to serve copy of this order along with copy of the representation to the respondent no.4, Executive Engineer, Raghunathganj Division, Public Works Department, Murshidabad.

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. 4976 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.**)