

29.02.2024
Ct. 654
D/L 165
ss

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

WPA 5737 of 2023

**Sri Swapan Kumar Gupta
-Vs-
State of West Bengal & Ors.**

Mr. Amitabha Ghosh
Ms. Arpita Dhar

... for the petitioner

Mr. Bhagbat Chaudhuri
Mr. Mahbub Asfakul Zinna

... for the respondent nos.8 and 9

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

In the present writ petition, the petitioner has
sought for consideration of his representation dated
27th April, 2022 submitted before the respondent no.3,
the Assistant Engineer, Public Works Department
(PWD) (Roads), HWY, Sub. D.N. No.1, Sadarghat
Branch, Purba Burdwan.

Mr. Amitabha Ghosh, learned Advocate for the
petitioner submits that the petitioner is the owner of a
building comprised within Mouza Akui, J.L. No.118,
Dag No.795 (Hal Dag No.883) at ATM (Akul-Torkona-
Mogalmari) Road. The private respondents have made
unauthorised construction over the land of the PWD
(Roads) affecting the ingress and egress of the

petitioner. The petitioner made representation before the respondent no.3, the Assistant Engineer, Public Works Department (PWD) (Roads), HWY, Sub. D.N. No.1, Sadarghat Branch, Purba Burdwan on 27th April, 2022. Since the representation of the petitioner has not been considered as yet, the petitioner is constrained to file the present writ petition. He seeks for appropriate direction upon the respondent no.3 for consideration of representation of the petitioner.

Mr. Bhagbat Chaudhuri, learned Advocate for the respondent nos.8 and 9 leaves the matter to the discretion of the Court.

None appears on behalf of the State.

Mr. Chandi Charan De, learned Additional Government Pleader along with Mr. Anirban Sarkar, learned Advocate who usually appears on behalf of the State, is requested to appear in this matter. Let appointment of Mr. Chandi Charan De, learned Additional Government Pleader along with Mr. Anirban Sarkar, learned Advocate, be regularised by the concerned authority.

Learned Advocate for the petitioner is requested to hand over copy of the writ petition along with its annexures upon the learned Advocate for the State-respondents.

Mr. Chandi Charan De, learned Additional Government Pleader appearing on behalf of the State-respondents submits that direction be passed upon the

respondent no.3, the Assistant Engineer, Public Works Department (PWD) (Roads), HWY, Sub. D.N. No.1, Sadarghat Branch, Purba Burdwan for consideration of the representation of the petitioner.

Having heard the learned Advocates for the respective parties, the Assistant Engineer, Public Works Department (PWD) (Roads), HWY, Sub. D.N. No.1, Sadarghat Branch, Purba Burdwan being the respondent no. 3 herein is directed to consider and dispose of the representation of the petitioner dated 27th April, 2022 within a period of three months from the date of communication of this order by passing a reasoned order in accordance with law after giving an opportunity of hearing to all concerned including the petitioner.

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

Learned advocate for the petitioner is directed to serve copy of this order along with a copy of representation dated 27th April, 2022 upon respondent no.3, the Assistant Engineer, Public Works Department (PWD) (Roads), HWY, Sub. D.N. No.1, Sadarghat Branch, Purba Burdwan

With the aforesaid directions, the writ petition being **WPA 5737 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 parties shall act on the server copy of this 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.**)