

D/L.11.
November 26, 2024.
KAUSHIK

WPA No. 9629 of 2024

Biswanath Pattanayak & Anr.
Vs.
The State of West Bengal and Others

Mr. Dinesh Pani

... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata

...for the State.

The grievance of the petitioners is directed against an alleged illegal and unauthorized construction of a road on a portion of the land belonging to the petitioner.

It is submitted by the private respondent that the petitioner has obtained an order from the Civil Court which has since been vacated on the ground of suppression. There are also serious allegations of forgery and interpolation of documents against the petitioners.

It is also submitted by the petitioner that the petitioner has made a representation dated March 4, 2024, but the concerned District Magistrate being the respondent no. 2 has deliberately failed and neglected to dispose of the same.

The State respondents are represented and submit that they have no objection if the respondent no. 2 is directed to consider and dispose of the representation of the petitioner dated March 4, 2024 in accordance with law.

In view of the fact that the representation was filed as far back as on March 4, 2024 and has not yet been disposed of, WPA 9629 of 2024 is disposed of by directing the respondent no. 2 to consider and dispose of the representation of the petitioners dated March 4, 2024 within a period of six weeks from the date of communication of this order to the said respondent after giving a right of hearing to all the affected parties including the petitioner, without being influenced by any observation or direction in this order and in accordance with law.

It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the respondent no. 2.

Since no affidavits have been called for, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)