

February 6, 2024
ARDR (627)

WPA 10235 of 2023

Kabirul Islam
Vs.
The State of West Bengal & ors.

Adv. Sarbananda Sanyal,
...for the petitioner.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

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

None appears for the private respondent despite service.

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD road adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 4th April, 2023 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 4th April, 2023 within three months from the date of communication

of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

With the aforesaid directions the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)