

WPA 11772 of 2024

Suvendu Dubey
Vs.
The State of W. B. & Ors.

Mr. B. N. Ray
Ms. Shetparna Ray ...for the petitioner.

Mr. Chandi Charan De
Ms. Reshma Chatterjee ...for the State.

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

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the respondent authorities are trying to make a pathway through the land of the petitioner without acquiring the same by due process of law.

Several representations were submitted by the petitioner in this regard before the authority which fell on deaf ears.

Learned counsel for the petitioner has taken this Court to annexure P-6 to the writ petition which is a letter issued on behalf of the District Magistrate, Uttar Dinajpur on 17th October, 2023 to the Sub-Divisional Officer, Islampur, Uttar Dinajpur requesting the latter to make enquiry and take necessary action pursuant to a petition filed by the present petitioner on 6th October, 2023.

Learned counsel submits that the Sub-Divisional Officer, being the 10th respondent herein, called the petitioner to his chamber and threatened him with dire consequences if he refused to part with the property. The petitioner seeks consideration of his representations by the authority at the earliest.

Learned counsel for the respondents submits that the 4th respondent be directed to consider the representations, 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 representations submitted by the petitioner (annexure P-8 collectively) within two weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Pending disposal of the representations, the respondent authorities are restrained from disturbing the peaceful possession of the petitioner in respect of the plot in question and encroaching upon the same in any manner whatsoever.

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.)