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jdt.

24.05.2024
jb.

W.P.A. 13785 of 2024
(Dilip Ghosh & Ors. vs. State of West Bengal & Ors.)

Mr. Manas Kr. Das
Mr. Aritra Kr. Thokdar
.... For the Petitioners

Md. Sarwar Jahan
Md. Ashraful Huq
Asif Mehdi

.... For the Respondent No. 8

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

None appears for the State respondents despite service.

Mr. Priyabrata Batabyal who is present in Court and usually appears for the State is requested to represent the State in this matter. The appointment of Mr. Batabyal, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition along with annexure thereto is served upon Mr. Batabyal by learned counsel for the petitioners in Court this day.

The petitioners claim to be the recorded owners of the embankment adjoining their property and submit that the 8th respondent has been constructing a concrete road through the embankment without serving any notice upon the petitioners or compensating them. The petitioners submitted a representation before the concerned authority in this regard on 18th April, 2024 which is yet to be considered. The

petitioners pray for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the 8th respondent submits that the alleged construction is being done in terms of work order issued in favour of this respondent by Murshidabad Zilla Parishad on 15th March, 2024 (Annexure P/2 to the writ petition)

Learned counsel for the respondents submits that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioners dated 18th April, 2024 within two weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)