

January 03, 2024
ARDR (12)

WPA 18022 of 2023

Sk. Rasid Ali
Vs.
The State of West Bengal & Ors.

Adv. Salil Kumar Maiti,
Adv. Dyutiman Banerjee,
Adv. Vishal Mallik,

...for the petitioner.

Adv. Krishna Yadav,
Adv. Papiya Naskar,

...for the respondent nos. 9 & 10.

Adv. Ayan Banerjee,
Adv. Balarko Sen,

...for the State.

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

The petitioner claims to be the recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon Government land adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 19th June, 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 private respondents submits that the private respondents along with many other persons have been occupying the plot in question since long.

Learned counsel for the State respondents submits that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider the representation submitted by the petitioner dated 19th June, 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 respondents, 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.)