

February 23, 2024
(17) ARDR

WPA 19201 of 2023

Satyendra Nath Das
Vs.
The State of West Bengal & ors.

Adv. Dilip Kumar Sinha,
...for the petitioner.
Adv. Ayan Banerjee,
Adv. Arpita Mondal Adak,
...for the State.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that some portion of the petitioner's land was acquired by the respondents and the petitioner has been utilising the remaining portion commercially. Encroachment was made in front of the petitioner's land affecting the smooth running of the business of the petitioner and obstructing his egress and ingress for which the petitioner approached the respondents who removed such encroachment. The petitioner apprehends that further encroachment may be made by outsiders in future for which he approached the authority requesting grant of short term lease in respect of the approach road adjoining his property to ensure his free egress and ingress. The request of the petitioner was turned down by the authority and intimated to the petitioner vide letter issued on 17th January, 2023. The petitioner submits that no reasoned order was passed by the authority in respect of his request upon affording an opportunity of hearing to him.

Learned counsel for the respondents submits that since the roadside land shall be required for development work of road in near future as reported by the Executive Engineer, Tamluk Highway Division, P.W. (Roads) Department, the said land cannot be allotted to the petitioner.

There is no reflection in the letter dated 17th January, 2023 that an opportunity of hearing was granted to the petitioner prior to rejection of his request.

In view of the above, the decision taken by the authority communicated to the petitioner vide letter dated 17th January, 2023 is set aside.

On prayer of the petitioner, liberty is granted to submit a fresh representation before the 2nd respondent renewing his prayer within one week from date.

The 2nd respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

It is made clear that this Court has not gone into the merits of the case and the respondent authorities shall be at liberty to deal with the representation submitted by the petitioner independently, 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.)