

February 6, 2024
ARDR (629)

WPA 19429 of 2023

Mustakim Mollick & ors.
Vs.
The State of West Bengal & ors.

Adv. Md. Sarwar Jahan,
Adv. Kaustav Ray,
Adv. Tapati Sarkar,
Adv. Md. Ashraful Huq,
...for the petitioners.
Adv. Chandi Charan De,
Adv. Sadhan Halder,
...for the State.

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

None appears for the private respondent, despite service.

The petitioners claim to be the recorded owners of the plot in question and submit that the private respondent has raised unauthorised construction by encroaching upon Government land adjoining their property, thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard before the concerned authority under the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 on 1st May, 2023 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 State respondents submits that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioners dated 1st May, 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 petitioners 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.)