

WPA 20917 of 2024

**Habibunnesa Bibi
Vs.
State of West Bengal & Ors.**

Mr. Golam Karim Chowdhury **For the Petitioner.**

Mr. Malay Kumar Singh
Ms. Dipa Bhattachaya ... For the State.

Mr. N.K. Das
Mr. Jahangir Hossain ... For the State.

The grievance of the petitioner(s) is directed against non-consideration of a representation dated 10th May, 2024.

It is submitted by the petitioner that the private respondents are unauthorizedly and illegally carrying out construction without any necessary sanction or permission.

The private respondent is represented and submits that there is a civil suit pending between the parties and there is an order of *status quo*. It is further submitted on behalf of the private respondent that there is no construction which is going on and the boundary wall of the private respondents has been constructed years ago. In view of the above, it is contended that the entire claim of the petitioner is false and frivolous.

The State represented and submits that they have no objection if the subject representation is

considered and disposed of.

In view of the above, the District Magistrate, being the respondent no. 3 is directed to consider the representation after giving a right of hearing to all the parties and more particularly to the private respondent.

The private respondent is at liberty to take all points which are available in accordance with law. The District Magistrate shall also pass a reasoned order in disposing of the above representation after hearing all the parties.

In view of the above, W.P.A. 20917 of 2024 is disposed of by directing the respondent no. 3 to consider and dispose of the representation of the petitioner(s) dated 10th May, 2024 within a period of six weeks from the date of communication of this order in accordance with law and without being influenced by any observation or direction in this order.

It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the respondent no. 3 in accordance with law.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)

