

April 8, 2024
(22) ARDR

WPA 20634 of 2023

Kumar Chandra Biswas
Vs.
The State of West Bengal & ors.

Adv. Tanmoy Chowdhury,
Adv. Rituprita Ghosh,
...for the petitioner.
Adv. Soumita Shaw,
...for the respondent no.4.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

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

Pursuant to an order passed by this Court, the District Magistrate, Nadia, by an order passed on 15th March, 2022 held that WBHDCL has made construction beyond their alignment, in a portion of the petitioner's land. WBHDCL submitted before the District Magistrate that only temporary work was executed on the disputed portion of the land without dismantling the structures of the petitioner. The District Magistrate, by the order impugned, directed the WBHDCL authority to remove the encroachment beyond their alignment within one month from the date of order and adhere to their alignment at the time of construction work.

Learned counsel for the petitioner submits that encroachment made on the petitioner's land is of permanent nature for which the petitioner is unable to access his building on the said land. Also, the petitioner

seeks damage compensation for the damage caused due to such encroachment. Learned counsel submits that encroachment has not been removed till date. The petitioner seeks to submit a comprehensive representation before the concerned authority ventilating his grievance and prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the respondents submit 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 with liberty to the petitioner to submit a comprehensive representation before the 2nd respondent within one week from date. The 2nd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

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 have been 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.)