

April 15, 2024
(19) ARDR

WPA 21254 of 2023

Sk. Abdul Suvan
Vs.
The State of West Bengal & ors.

Adv. Kanailal Samanta,
Adv. Amlan Kr. Mukherjee,
...for the petitioner.
Adv. Arindam Chattopadhyay,
Adv. Lipika Chatterjee,
...for the State.

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

None appears for the private respondents despite service.

The petitioner claims to be the recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching upon a portion of the land of the Irrigation and Waterways Department adjoining his property, thereby obstructing his egress and ingress.

The petitioner filed an application in this regard under Section 144(2) of the Code of Criminal Procedure which was registered as M.P. Case no. 261 of 2023. In the said case, the Revenue Inspector has submitted a report before the Block Land & Land Reforms Officer, Nandakumar, Purba Medinipur to the effect that the private respondents have raised unauthorised construction by encroaching upon Government land without possessing any document of title in respect of the same. The said

unauthorised construction has not been demolished till date. The petitioner seeks to submit a comprehensive representation before the concerned authority in this regard and prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents submits 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 ventilating his grievance before the 2nd respondent within two weeks 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 and the private respondent, in accordance with law.

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.)