

02.12.2024

Item No. 16

Crt.No.02

b.r.

WPA 21499 of 2023

Jitendranath Bera & Ors

-vs-

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee

Mr. Anujit Maity

Mr. Nikhil Kumar Gupta

Mr. Rameshwar Sinha

.... For the petitioners.

Mr. Chandi Charan De, Ld. AGP

Ms. Reshma Chatterjee

.... For the State.

Affidavit of service filed in Court today, is taken on record.

Mr. Sabyasachi Chatterjee, learned counsel appears for the petitioners.

Mr. Chandi Charan De, learned Additional Government Pleader, appears for the respondent nos. 1 to 7.

The respondent no.8 is not represented.

The petitioners states that the petitioners are the land owners at a particular place and to have a free egress and ingress, the petitioners intends to construct a culvert with the prior permission of the appropriate and jurisdictional authority.

The petitioners submitted its representation dated **August 3, 2023, annexure p-6 at Page-26** to the writ petition but the same has not been disposed of

In view of the above, the **respondent no.5** upon issuing a prior notice of hearing to the petitioners of at least **seven days** shall inspect the portion of the land upon which the petitioners intends to construct the culvert and then after granting the petitioners an opportunity of hearing shall dispose of the said representation dated **August 3, 2023, annexure P-6 at page-26** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the **respondent no. 5** positively within a period of **eight weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners positively within a further period of **one week** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioners, the respondent no.5 and/or any other appropriate authority shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law but positively within a further period of **three weeks** from the date of the reasoned order to be passed.

It is made clear that the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the **respondent no.5** but the same shall not travel beyond the scope of the said representation dated **August 3, 2023**, as referred to above.

It is made clear that this order shall not create any right or equity in favour of the petitioners, if the petitioners do not succeed to their respective claims strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 21499 of 2023** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)