

February 7, 2024
ARDR (675)

WPA 22179 of 2023

Nupur Manna
Vs.
The State of West Bengal & ors.

Adv. Raj Kumar Sain,
...for the petitioner.
Adv. Supriyo Chattopadhyay,
Adv. Samaresh Chandra Dhara,
Adv. Sabyasachi Hazra,
...for the respondent no.8.
Adv. Dibyendu Ghosh,
...for the respondent nos. 10 & 11.
Adv. Chandi Charan De,
Adv. Anirban Sarkar,
...for the State.

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

None appears for the private respondent no.9 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 PWD road adjoining her plot, thereby obstructing her egress and ingress. The petitioner submitted a representation in this regard before the concerned authority on 21st August, 2023 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the private respondent no. 8 submits that it *prima-facie* appears from the boundary reflected in the copy of the title deed submitted on behalf of the petitioner that there is no PWD road adjoining the petitioner's land on any side.

Learned counsel for the State respondents submits that the 5th respondent be directed to consider the representation in accordance with law.

It appears from the schedule of the purchased property in the title deed submitted by the petitioner that the petitioner's plot is butted and bounded by other plots. It is a fact that it is not specifically recorded therein that any of the plots belongs to the PWD.

Be that as it may, since the representation submitted by the petitioner is pending before the authority, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner dated 21st August, 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 petitioner and the private respondents and in terms of the observation made by this Court in this order, 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.)