

D/L. 22.
June 20, 2024.
MNS.

WPA No. 22723 of 2022

Golam Kabir
Vs.
The State of West Bengal and others

Mr. Sandipan Maity

... for the petitioner.

Mr. Ansar Mandal,
Mr. Tanweer J. Mandal

...for the State.

Mr. Washef Ali Mondal

...for the respondent no. 9.

The grievance of the petitioner is directed against inaction of the State authorities in respect of an illegal encroachment of public land.

The State respondents are represented and submit that they have no objection if the respondent No. 3 i.e. the Sub-Divisional Officer, Kandi, Murshidabad, is directed to consider the representation of the petitioner in accordance with law.

On behalf of the private respondent No. 9, it is submitted that there has been gross misrepresentation of facts. The petitioner has made repeated attempts to seek similar reliefs for demolition of the unauthorized construction. All these facts have been suppressed by the petitioner.

In view of the submissions made on behalf of the parties as well as the State respondents, WPA No. 22723 of 2022 stands disposed of by directing the respondent No. 3 to consider and dispose of the representation of the petitioner dated July 4, 2022, being Annexure P3 to the writ petition, in accordance with law within a period of twelve weeks from the date of communication of this order.

It is made clear that this Court has not gone into the merits of the case and the respondent No. 3 is not to be influenced by any observations made herein insofar as the merits of the case is concerned.

It is also made clear that the respondent No. 3 shall give due notice for consideration of the representation to the private respondent No. 9 herein, who is at liberty to take all points on the merits of the representation and would be heard on the merits including taking into account the records of Title Suit No. 240 of 2022, pending before the Learned Civil Judge (Junior Division), Kandi, Murshidabad and all other points available in law.

(Ravi Krishan Kapur, J.)