

506
05.01.2024
Ct. No.10
b.das

WPA 23689 of 2023

Abdul Moheed Atta
Vs.
The State of W.B. & Ors.

Mr. S. N. Arefin
Mr. Partha Chakraborty
Muhammad Obaid
Mr. Chayan Debnath ...for the petitioner.

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

None appears for the respondents despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition along with all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioner complains that the panchayat authority is raising construction on his raiyati land though the said land has not been acquired by the State, in accordance with law.

Learned counsel for the petitioner submits that plot no.1230 was acquired by the Government and Baduria road constructed thereon. Though the plot nos.1240, 1241

and 1242 belong to the petitioner, the panchayat authority has started raising construction in these plots besides plot no.1230 which has been acquired earlier.

The petitioner submitted a representation ventilating his grievance before the concerned authority on 6th September, 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 State respondents submits that the 3rd respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 6th September, 2023 within two months from the date of communication of this order 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.

Pending disposal of the representation no further construction shall be made by the concerned authority on any portion of the petitioner's land.

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.)