

March 5, 2024
ARDR (718)

WPA 25216 of 2023

Suvra Kanti Samanta
Vs.
The State of West Bengal & ors.

Adv. Dyutiman Banerjee,
Adv. Salil Kumar Maiti,
...for the petitioner.
Adv. Sk. Rejaul Alam,
...for the respondent no.8.
Adv. Amitava Choudhuri,
Adv. Bishnupada Jana,
...for the State.

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

It is contended on behalf of the petitioner that the private respondent has raised unauthorised construction by encroaching upon a portion of the Government land adjoining his property, thereby obstructing his egress and ingress. The petitioner submitted a representation before the concerned authority on 21st 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 private respondent admits that the private respondent has raised construction in a portion of Government land and submits that the petitioner has also raised unauthorised construction on such Government land. The private respondent has also submitted a representation on 21st November, 2023 before the concerned authority in this regard which has

also not been considered. Learned counsel seeks a direction upon the authority to consider both the representations together.

Learned counsel for the petitioner denies and disputes the contention of the private respondent.

Learned counsel for the State respondents submits that the 4th respondent be directed to consider the representations in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of both the representations submitted by the petitioner and the private respondent 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 respondent, 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.)