

March 11, 2024
ARDR (696)

WPA 25821 of 2023

Obaidur Rahaman Sk. @ Shaikh & ors.
Vs.
The State of West Bengal & ors.

Adv. Md. Zeeshanuz Zaman,
Adv. Tapan Mukherjee,
Adv. Shamim ul Bari,
Adv. Somnath Naskar,
...for the petitioners.
...for the State.

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

None appears for the private respondents despite service.

The petitioners claim to be co-owners of the plot in question with the private respondents and submit that the 3 decimals of the plot in front of the petitioners' land were acquired by the State and transferred in favour of the Irrigation Department. The petitioners complain that the private respondents have raised a bamboo and tin fencing in the acquired portion of the land adjoining the petitioners' land, thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard before the concerned authority on 16th October, 2023 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that the 6th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 6th respondent to consider and dispose of the representation submitted by the petitioners dated 16th October, 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 petitioners and the private respondents, in accordance with law.

With the above observations and 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.)