

14.03.2024
rc/ct.no.10
Item No.685

WPA No. 26808 of 2023
Sri Arun Maity
Versus
The State of West Bengal & Ors.

Mr. Bharat Chandra Simai ...for the petitioner

Mr. Shyamal Kumar Das
Mr. Ajay Barman Ray
Ms. Krishna Yadav
Mr. Syamal Kumar Halder
...for the respondent nos.9 to 12

Mr. Chandi Charan De ...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the State respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State respondents and is present in Court today, is requested to represent the State respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

The petitioner claims to be recorded owner of the plot in question and submits that the private respondents have raised unauthorised construction by encroaching

upon a portion of the PWD land adjoining his property, thereby obstructing his ingress and egress. The petitioner submitted a representation in this regard before the concerned authority on 16th November, 2023 which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

In producing a copy of the record of rights in respect of Dag No. 173, learned counsel for the private respondents submits that the entire plot no. 173 belongs to one Annapurna Maity who settled the plot in favour of the private respondents.

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

In view of the above, this Court is inclined to hold that since the representation submitted by the petitioner is pending before the authority, the concerned authority being the 5th respondent herein, be directed to consider and dispose of the representation 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, in accordance with law.

The parties shall be at liberty to produce relevant documents in support of their respective claims before the authority at the time of hearing.

With the above observations and directions this 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)