

741
21.03.2024
Ct. No.10
b.das

WPA 27354 of 2023

Haripada Mondal
Vs.
The State of W.B. & Ors.

Mr. Aritra Shankar Ray ...for the petitioner.

Mr. Tapan Coomaar Dey
Mr. Debangshu Bandhu ...for the State.

Mr. Aswini Kr. Bera
Mr. Arijit Bera ...for respondent no.5.

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

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plot in question along with his brother, being plot no.462, J.L. no.415, Khatian no.235, Mouza-Barunya, District-Paschim Medinipur and submits that the private respondent has raised unauthorised construction by encroaching upon a portion of the PWD land adjoining his property, thereby obstructing his egress and ingress.

The petitioner submitted a representation in this regard before the concerned authority on November 24, 2023 which is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

Learned counsel for the private respondent submits that the private respondent has acquired title over 2

decimals of land in plot no.463 and has raised construction on his raiyati land. He has not encroached upon any portion of PWD land.

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 November 24, 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 petitioner and the private respondent, 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.)