

April 4, 2024
(716) ARDR

WPA 28769 of 2023

Smt. Kabita Giri & ors.
Vs.
The State of West Bengal & ors.

Adv. Bharat Chandra Simai,
Adv. Sanchayita Das,
...for the petitioners.
Adv. A. K. Routh,
Adv. S. Barik,
...for the respondent no.9.
Adv. Supratim Dhar,
Adv. Amritalal Chatterjee,
...for the State.

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

None appears for the private respondent nos. 10, 11 and 12 despite service.

The petitioners claim to be the recorded owners of the plot in question and submit that the private respondents have raised unauthorised construction by encroaching upon Government land belonging to the Irrigation Department adjoining their property, thereby obstructing their egress and ingress. The petitioners submitted a representation in this regard before the concerned authority on 28th November, 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 5th respondent be directed to consider the representation in accordance with law.

Learned counsel for the 9th respondent submits that this respondent has been occupying a portion of the land of the petitioners for about thirty years and has not encroached upon any portion of the Government land.

Be that as it may, since the representation submitted by the petitioners before the concerned authority is pending, 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 petitioners and the private respondents, 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 have been 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.)