

April 4, 2024
(718) ARDR

WPA 28927 of 2023

Chandra Mohan Khutia & anr.
Vs.

The State of West Bengal & ors.

Adv. Snehasis Jana,

...for the petitioners.

Adv. Nilkamal Ghosh,

...for the respondent no.10.

Adv. Mitali Mukherjee,

Adv. Kakali Naskar,

...for the State.

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

The petitioners claim to be the recorded owners of the plot in question and submit that the private respondent has raised unauthorised construction by obstructing a portion of PWD road adjoining their property, thereby obstructing their egress and ingress. The petitioners submitted a representation before the concerned authority on 6th December, 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.

Learned counsel for the private respondent submits that the private respondent has not encroached upon any portion of the PWD road and has raised construction on his *raiya* land.

Be that as it may, since the representation submitted by the petitioner is pending before the authority, the concerned authority, being the 6th respondent herein, be directed to consider the 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 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 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.)