

WPA 389 OF 2024

14.01.2025

Sl no. 14

Ct no. 17

P.M.

Panchanan Giri & Ors.

- Vs -

The State of West Bengal & Ors.

Mr. Golam Mostafa,
Mr. Tarasankar Samanta
... for the Petitioner

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

Despite service no one appears on behalf of the State.

It further appears that the communication sent to one of the private respondents was returned with an endorsement "Addressee moved (refused by phone)".

Learned counsel appearing on behalf of the petitioners submits that the private respondents have come up with an unauthorized construction on public land near the house of the petitioners. Accordingly, the petitioners made a representation before the Executive Engineer and the Sub Divisional Officer of the Irrigation Department on 01.12.2023 with a copy to the Sub Divisional Officer, Haldia

praying for action in terms of the Public Premises (Unauthorised Occupants) Act, 1962.

It does not appear that a proper representation has been made before the concerned authority.

Therefore, the writ petition is disposed of by granting liberty to the petitioner to make a fresh representation in this regard before the concerned Sub Divisional Officer within a fortnight from this date. In the event such representation is made, the concerned Sub Divisional Officer shall consider the same upon hearing the interested parties and in accordance with law as expeditiously as possible, preferably within eight weeks from the date of receipt of such application.

It is clarified that as affidavits have not been called for, the allegations made shall be deemed not to have been accepted.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Jay Sengupta, J.)