

04.08.2025.
26
Ct.No.7.
as

WPA 16234 of 2019

Niranjana Maity & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Tushar Sinha Mahapatra.
.....for the Petitioners.

Mr. Pantu Deb Roy, Ld. AGP,
Mr. Subrata Guha Biswas.
...for the State.

Mr. Salik Kr. Maiti.
...for the Respondent Nos.7 - 9, 11 - 37
& 40-43.

1. Citing inaction on the part of the concerned Assistant Engineer in considering the petitioner's representation dated 08.07.2019, the present writ petition has been preferred.
2. Mr. Mahapatra, learned Advocate representing the petitioners, submits that the private respondents have encroached upon land belonging to the PWD (Roads), thereby causing obstruction to the ingress and egress to the petitioners' residence.
3. He further submits that this fact was brought to the notice of the concerned respondent by way of a representation. However, despite receiving such representation, the same was left unattended. This continued inaction on part of the concerned respondent compelled the petitioners to prefer this writ petition. He prays for a direction upon the concerned respondent to conduct an enquiry, take necessary steps in

accordance with law, and evict the private respondents from the land belonging to the PWD (Roads).

4. Mr. Deb Roy, learned Additional Government Pleader, duly assisted by Mr. Guha Biswas, representing the State, submits that if the matter is relegated to the authority, the State will not stand in the way.

5. Mr. Maiti, learned Advocate appearing for respondent Nos. 7–9, 11–37, and 40–43, submits that in the event the matter is relegated to the appropriate authority, a direction may also be issued to ensure that the private respondents are afforded an opportunity of hearing before any final decision is taken.

6. Heard the learned Advocates appearing for the respective parties.

7. The record reveals that a representation was received by the concerned respondent from the petitioners as far back as in 2019. The authority cannot sit tight over the matter for an indefinite period.

8. In view thereof, the writ petition is disposed of by directing respondent No. 4 to consider the petitioner's representation and take a decision thereon after affording an opportunity of hearing to the petitioners, private respondents, and other interested persons. If respondent No. 4 finds substance in the petitioners' contention, the next follow-up steps shall be taken in accordance with law. If respondent No. 4 arrives at the conclusion that the petitioners' contention lacks merit, a reasoned order shall be passed and the same shall be communicated to the petitioners.

9. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.
10. With this observation, the writ petition is disposed of, however, without any order as to costs.

(Partha Sarathi Chatterjee, J.)