

D/L.16.
January 17, 2025.
KAUSHIK

WPA No. 136 of 2025

Debasis Roy & Ors.
Vs.
The State of West Bengal and Others

Mr. Malay Bhattacharya
... for the petitioners.

Mr. Uttiya Roy
Ms. Anima Maiti
... for the respondent nos. 6 to 8.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
... for the State.

Affidavit of Service filed in Court be kept
with the records.

The grievance of the petitioner is directed
against illegal and unauthorized construction by
the private respondents without any authority of
law.

On behalf of the private respondent, it is
submitted that the relationship between the
petitioners and the private respondent are one of
landlord and tenant and the petitioner is indirectly
seeking to evict the tenant.

On behalf of the State respondents, it is
submitted that they have no objection if the
concerned Block Development Officer being the
respondent no. 3 is directed to dispose of the
representation.

In view of the above, WPA 136 of 2025 is
disposed of by directing the respondent no. 3 to

consider and dispose of the representation of the petitioner dated July 9, 2024 within a period of six weeks from the date of communication of this order to the said respondent and after giving a right of hearing to all the affected parties including the petitioner, in accordance with law and without being influenced by any observation made in this order.

It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the respondent no. 3.

It is also made clear that the respondent no. 3 is only to examine the limited aspect of the alleged illegal construction.

Liberty is granted to the petitioners to file a separate civil suit seeking eviction of the private respondent in accordance with law, if so advised.

Since no affidavits have been called for, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

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

(Ravi Krishan Kapur, J.)