

08.01.2024

Ct. no.654

Sl. No.18

sn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 4498 of 2023

**Sumitra Ghosh
Vs.
State of West Bengal & Ors.**

Mr. Sujit Bhunia

..for the petitioner

Mr. Chandi Charan De

Mr. Anirban Sarkar

..for the State

Affidavit of service filed by the petitioner is taken on record.

This is an application under Article 226 of the Constitution of India filed by the petitioner for removal of unauthorised encroachment and illegal construction over the land of PWD (roads) besides Debra-Marhtala road, adjacent to plot no.269, mouza Shyamsundarpur, J.L. No.248, Police Station Debra, District Paschim Medinipur belonging to the petitioner.

Mr. Sujit Bhunia, learned advocate for the petitioner submits that the private respondent no.8 has illegally encroached the land belonging to the PWD (roads) affecting ingress and egress to the land of the petitioner. The petitioner made a representation before the concerned authorities for removal of such unauthorised construction/encroachment vide letter dated 24th November, 2022, however, till date, no steps has been

taken in this regard. He seeks appropriate direction for consideration of the representation of the petitioner dated 24th November, 2022.

Mr. Anirban Sarkar, learned advocate for the State-respondents submits that direction may be issued upon the Sub-Divisional Officer cum Sub-Divisional Executive Magistrate, Kharagpur, District Paschim Medinipur, being the respondent no.5, for considering the representation of the petitioner.

Upon hearing the learned advocates for respective parties and considering the materials on record, the Sub-Divisional Officer cum Sub-Divisional Executive Magistrate, Kharagpur, District Paschim Medinipur, being the respondent no.5, is directed to consider and dispose of the representation submitted by the petitioner on 24th November, 2022 by a reasoned order within a period of two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner in accordance with law. The decision taken by the authorities shall be communicated to the petitioner within a week thereof.

The learned advocate on record for the petitioner is directed to communicate this order along with a copy of the representation of the petitioner to the respondent no.5.

Since no affidavit has been invited, allegation contained in the writ petition shall be deemed not to have been admitted.

It is made clear that the Court has not gone into the merits of the case and the parties shall be at liberty to place their respective contentions before the competent authority at the time of hearing.

With the above directions, this writ petition being **WPA 4498 of 2023** stands disposed of along with all connected applications, if any.

There will be, however, no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

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

(Bivas Pattanayak, J.)