

16.12.2021
Item no.3
Court No.6.
AB

**M.A.T. 176 of 2020
With
I A CAN 1 of 2020
(Old CAN 1036 of 2020)**

Santosh Kumar Kar & Others

Vs

The State of West Bengal & Others

Mr. Sufi Kamalfor the Appellants.

Mr. Rwitendra Banerjee,
Mr. Devdutta Pathak.....for the Respdt. 9, 10/
Writ Petitioners.

Mr. Gazi Faruque Hossen,
Ms. Priyanka Mondalfor the Respdt. 11.

By consent of the parties, the appeal and the application are taken up together for hearing.

The appellants are the private respondent nos.10, 11, 12 and 13 in the writ petition. They have come up against the order dated January 16, 2020, whereby W. P. No.354 (W) of 2020 was disposed of. The allegation of the writ petitioners was that the private respondents were making illegal construction without having any sanctioned plan from the Panchayat.

The learned Judge directed the Pradhan of the concerned Panchayat to take steps with regard to the construction being made by the private respondents.

The appellants say that they were not represented on that date before the learned Judge. Learned Advocate for the appellants says that he had missed the matter in the list and hence, could not attend the hearing. They say that their structure is not illegal or unauthorised and they have documents to demonstrate that fact.

We have heard learned Counsel for the parties. We are of the view that it would be appropriate if a responsible Officer in the Administration looks into the matter and finds out if there is merit in the allegation of the writ petitioners.

Accordingly, we grant liberty to the writ petitioners to make a comprehensive representation before the respondent no.3, being the Sub Divisional Officer, Chandannagar regarding their grievance. If such representation is made within a fortnight from date, the said respondent shall consider the same and pass a reasoned order thereon in accordance with law and the applicable rules and regulations, after giving an opportunity of hearing to the present appellants and any other concerned parties. The exercise should be completed within four weeks from the date of receipt of the representation by the Sub Divisional Officer.

We have not gone into the merits of the case. The said Officer shall take an informed decision in accordance with law.

The order under appeal is set aside.

No further construction shall be made by the present appellants until a decision is taken by the Sub Divisional Officer as directed above.

Since we have not called for affidavits, the allegations in the stay petition are deemed not to be admitted by the respondents.

The appeal being MAT 176 of 2020 along with CAN 1036 of 2020 are disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)