

S/L 9
02.09.2021
Court. No. 19
GB

WPA 7528 of 2021

Sanjib Bhattacharya
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Saumen Dutta,
Mrs. Priti Jain.

...for the Petitioner.

Mr. Saumyajit Ghosal.

...for the Respondent No.10.

Ms. Anyapurba Banerjee.

...for the Respondent No.11.

Ms. Rituparna Chatterjee.

...for the Respondent No.13.

Mr. Sudipto Panda,
Ms. Munmun Tewari.

...for the State.

Despite service none appears on behalf of the
Newtown Kolkata Development Authority.

The writ petition has been filed by the heir of Sri
Biswanath Bhattacharjee (since deceased). It is the
contention of the petitioner that the Executive Officer,
Rajarhat Panchayat Samity illegally issued a sanction plan
on the basis of a power of attorney granted by his deceased
father, but the power of attorney was no more in existence in
view of the death of the father of the petitioner. It appears
that the petitioner's father died on June 22, 2020 and the
sanction was granted on or about September 21, 2020. The
other question raised by the petitioner as also the

respondent no.10 is that the land being a 'Sali' land, was not available for any construction without appropriate orders of conversion.

Mr. Panda, learned advocate appearing on behalf of the State respondents on instruction submits that the Panchayat Samity had granted the sanction plan on the basis of the No Objection Certificate given by the Newtown Kolkata Development Authority. It is the contention of Mr. Panda that the conversion and grant of no objection falls within the domain of the Newtown Kolkata Development Authority and the said authority has granted such permission. None appears on behalf of NKDA, despite service.

According to the respondent no.11 and the added respondents, the writ petition is a counter-blast to the orders, which have been suffered by the petitioner in a proceeding under the Arbitration and Conciliation Act 1996. It is submitted that the father of the petitioner had executed a Will in favour of the respondent no.11 and the petitioner does not have any interest in the property in question. It is submitted that the writ petition should fail on the ground of absence of locus. It is further submitted that the appropriate authority had already granted an order of conversion and permission to build.

Considered the rival contentions. As the petitioner has raised objections before the Additional District Magistrate (Development), Zilla Parishad, North 24

Parganas dated January 25, 2020 and February 10, 2021, the same shall be disposed of in accordance with law upon hearing the petitioner, the respondent nos.10, 11 and also the developer, that is, ATK Developer LLP.

This Court has not gone into the merits of the claims and counter-claims of the parties and the authority shall dispose of the representation on its own merits. A reasoned order shall be passed and communicated to all concerned. The concerned authority shall not decide the question of title. All that the concerned authority shall decide is whether the sanction plan was issued in accordance with law and whether the building has been constructed in accordance with the plan and building rules. As no affidavits have been called for, all allegations are deemed to be denied.

The entire exercise shall be completed within a period of twelve weeks from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)