

04.01.2021

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**W. P.A. 10817 of 2016
(Via Video Conference)**

Sunil Kumar Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Chandrachur Chatterjee

Mr. Parikshit Basu

Mr. K. Mukherjee

... For petitioner.

Mrs. Monjuli Choudhuri

Ms. Tina Biswas

... For respondent nos. 2 & 3.

Mr. Chatterjee, learned advocate appears on behalf of petitioner. He had sought to move the petition on 11th December, 2020 when following order was made: -

“Mr. Chatterjee, learned advocate appears on behalf of petitioner in this writ petition of 2016, which has not yet been moved. He files affidavit-of-service as well as hands up notice dated 6th December, 2019, served on learned advocates, he submits, engaged by Howrah Zilla Parishad.

Court has ascertained from the affidavit that all respondents have been served, yet they go unrepresented.

It is distressing that a writ petition filed in year 2016 could not be moved till date.

Petitioner cannot be faulted as service has duly been made.

List under heading "For Orders" on 22nd December, 2020 when this petition will be dealt with. Petitioner will serve this order on respondents."

The writ petition has been listed under heading "For Orders." Mrs. Choudhuri, learned advocate appears on behalf of Howrah Zilla Parishad.

Mr. Chatterjee submits, grievance of his client is that private respondents have caused illegal construction over common passage. He draws attention to memo dated 19th June, 2012 issued by the Parishad. Contents of the memo are reproduced below: -

"That you have a sanction plan from Howrah Zilla Parishad vide memo no. 334/EP dated 12/09/11.

But during construction you have made deviation from the original sanction plan.

Therefore, you are required to clarify the reason for such act which should reach to this office within 7 (seven) days from the date of receipt of this letter.

In the meantime all further construction work will remain stop.

Treat it as urgent."

He emphasizes there was direction to stop work. Mrs. Choudhuri submits, there has been made unauthorized construction.

The Parishad will initiate appropriate proceeding with regard to unauthorized construction referred to in said memo dated 19th June, 2012. The proceeding must be initiated within two weeks from date of communication of this order. The proceeding is to be thereafter concluded within four weeks, upon giving hearing to the person responsible and petitioner. Decision taken by the Parishad must also be made known to petitioner.

The writ petition is disposed of.

(Arindam Sinha,

J.)