

08-03-2021
Item no.72
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.15727 of 2019
Swapan Kumar Chowdhuri
-VS-
The State of West Bengal & Ors.

Mr. Anindya Lahiri
Mr. Argha Chowdhury ...for the petitioner

Mr. Pantu Deb Roy
Mr. Pannalal Bandyopadhyay ...for the State

Mr. Debabrata Saha Roy
Mr. Arka Kumar Nag
Mr. Subhankar Das ...for respondent no.6

Heard learned advocates appearing for the parties.

Case of the writ petitioner is that he is aggrieved by a notice board dated October 2, 2018 alleged to be put up by the Urban Development Department, Government of West Bengal stopping the construction work of the petitioner on the plot in question.

It is the further case of the petitioner that such notice is illegal, since he has commenced the construction work within the time stipulated by the authority, and that his construction is fully authorised.

Learned advocate for the petitioner seeks to file a supplementary affidavit to bring on record the subsequent developments during pendency of the writ petition. Such prayer is allowed.

Learned advocate for the Urban Development Department opposes this writ petition.

I am not inclined to grant any interim order in view of the fact that the alleged notice board put up on the plot of land in question was on October 2, 2018 by which the petitioner has not been able to construct the building. In my opinion, allowing or permitting the petitioner to start construction by way of an interim order would amount to allowing the writ petition at this stage.

However, considering the suffering of the petitioner, I am of the view that the writ petition should be disposed of expeditiously upon exchange of affidavits.

Accordingly, the respondents to file affidavit-in-opposition to the writ petition as well as the supplementary affidavit peremptorily within a fortnight from date; reply thereto, if any, to be filed within one week thereafter.

The writ petition to appear for final hearing after three weeks before the appropriate Bench. Liberty to mention.

[Md. Nizamuddin, J]

