

04.05.2022
Court No. 19
Item no.30
CP

WPA No. 15 of 2022

Somnath Ballav
Vs.
Dhanyakuria Gram Panchayat & ors.

Mr. Aritra basu
Mr. Souradeep Banerjee
Mr. S.K. Banerjee
....for the petitioner.

Mr. Subrata Goswami
...for the respondent nos. 2 & 3.

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
....for the State.

The challenge in the writ petition is the proposed inclusion of premises, namely, Palace of Ballavas situated at Plot nos. 388, 401/1411, J.L. No. 07, Mouza – Dhanyakuria, Dhanyakuria village, Basirhat in the heritage list pursuant to the notification bearing reference no. 195/N1/WBHC/2008-09 dated December 6, 2021. The petitioner challenged the proposal for inclusion of the property in the heritage list on the ground that in the absence of proper regulations and without any clarity or transparency as to the procedure adopted by the West Bengal Heritage Commission in proposing to include the property in the list of

heritage properties, such proposal was arbitrary and irrational.

Mr. Goswami, learned advocate appearing on behalf of the West Bengal Heritage Commission has filed a resolution adopted in the meeting dated February 8, 2022. From the said resolution it appears that Palace of Ballavas, which is the subject matter of this writ petition, has been excluded from the said proposal, by the commission. He submits that such decision was taken upon considering the pendency of the cases before this court.

Under such circumstances, the grievance of the petitioner has been met. At this stage, nothing survives to be decided in the writ petition.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

The copy of the resolution adopted by the West Bengal Heritage Commission in the meeting dated February 8, 2022 has been taken on record in WPA 21489 of 2021.

This order is restricted to the premises, namely, Palace of Ballavas and the court has not expressed any opinion with regard to the notification.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)