

04
21.12.2022
Ct. No.10
b.das

WPA 1432 of 2022
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CAN 1 of 2022

Mr. Aviroop Bhattacharya ...for the petitioners.

Mr. Tanmoy Sett
Mr. Sagnik Bhattacharya
Ms. T. Sarkar ...for the applicants.

Mr. Chandi Charan De
Mr. A. Sarkar ...for the State.

In re: **CAN 1 of 2022**

Affidavit of service filed by the applicants/petitioners
is taken on record.

Heard learned counsels for the parties.

The applicants claim to be co-owners in respect of a
portion of the plots, which are subject matter of the writ
petition. The applicants complain that the writ
petitioners suppressed such fact and posed themselves to
be the only owners of the plots in question.

By the order impugned, this Court directed the 2nd
respondent to reconsider the representation submitted by
the petitioners upon affording reasonable opportunity of
hearing to all the interested parties including the
petitioners.

Learned counsel for the applicants submits that
since there is no specific order by this Court to consider
the claim of the applicants by the authority, the authority

has refused to accept the representation submitted by them in connection with the hearing.

It is submitted on behalf of the writ petitioners as well as the State that the 2nd respondent be directed to consider the claim of the applicants in disposing of the representation since the applicants claim to be interested parties.

The writ petition was disposed of by an order passed on 14th March, 2022 directing the 2nd respondent to reconsider the representation submitted by the petitioners before the authority and dispose of the same within a period of two months from the date of communication of this order after affording reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law.

Since the applicants claim to be interested persons having right, title and interest in respect of the plots in question, the 2nd respondent is directed to consider the claim of the applicants put forward before the authority by way of a representation while reconsidering the representation in terms of the order passed on 14th March, 2022.

The applicants shall be at liberty to place their contention before the concerned authority at the time of hearing and the concerned authority shall dispose of the matter upon hearing all the interested persons, including

the applicants and the petitioners, in accordance with law within the stipulated time frame mentioned in the order.

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to take an independent decision without being influenced by any observation that may have been made in this order.

With the above instructions, CAN 1 of 2022 is disposed of.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)