

03 18.04.2022
rkd Ct.15

W.P.A. 7206 of 2002

Kaliachak Netaji Market Babasayee Samity

-vs-

The State of West Bengal & Ors.

Mr. Chitta Ranjan Chakraborty,
Mr. Partha Sarathi Ghosh,
Mr. Dip Jyoti Chakraborty

....for the petitioner.

In the writ petition Memo dated 15th May, 2002 being No.674 issued by the Block Development Officer is under challenge whereby the petitioner was asked to vacate the structure situated on Plot No.285, J.L. No.72 under Kaliachak-I, Panchayat Samiti, District-Malda within a period of seven days. In the said notice it has also been stated that preference would be given at the time of allotment of market room in favour of the petitioner subject to fulfillment of terms and conditions as laid down by the Panchayat Samiti.

Mr. Chakraborty, learned advocate appears on behalf of the petitioner and submits that till date the petitioner is occupying the structure on the aforementioned plot of land.

Since the notice to vacate the structure was issued on 15th May, 2002 and in the meantime twenty years have passed this Court is not inclined

to pass any order on the legality and validity of the impugned notice dated 15th May, 2002 specially when after granting repeated opportunity to the respondents no one is representing the respondents today.

In view of above position the writ petition stands disposed of with an observation that if the Memo dated 15th May, 2002 being no.674 at page 18 of the writ petition is not given effect to by the concerned respondents till date the same shall not be given effect to in future without issuing due notice to the petitioner.

The writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)