

15 13.06.2022

PA(SS)

RVW 80 of 2022
IA NO: CAN/1/2022
Safiujjaman Sk
Vs.
Bharat Kumar Jhawar and Ors.

In

WPA(P) 190 of 2022
Bharat Kumar Jhawar
Vs.
The State of West Bengal and Ors.

Mr. Saptangsu Bose, Sr. Advocate
Mr. Shamit Sanyal,
Ms. Priyakshi Banerjee,
Mr. Sabyasachi Ray, Advocates
... for the applicant
Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. Jahar Lal De,
Mr. Rudranil Dey, Advocates
... for the State
Mr. Aninday Lahiri,
Ms. Pranati Das, Advocates
... for the writ petitioner/respondent

Petitioner is seeking review of the order dated 02.05.2022 passed in WPA(P) 190 of 2022.

Learned Counsel for the petitioner has submitted that the aforesaid order has been passed without giving opportunity of hearing to the petitioner and that the cancellation order dated 8th of March, 2022 was not served at that stage and is an appealable order, therefore, it cannot form the basis of the any action as

directed by this Court.

The submission is opposed by the learned Counsel for the respondents by submitting that the petitioner was duly served and he is adequately protected by the order of this Court.

Having heard the learned Counsel for the parties and on perusal of the record, it is noticed that the permission dated 26.08.2021 to fill up the water body was cancelled by the order dated 8th of March, 2022 on the ground that the petitioner had failed to create compensatory water body in the total permitted area within the stipulated time. The plea taken in the petition reveals that this order was admittedly communicated to the petitioner on 25th of April, 2022. Nothing has been shown to point out that any appeal has been preferred by the petitioner against this order. Even otherwise this Court has issued following direction:

“Having regard to the aforesaid, we dispose of the present petition directing the respondent no.10 to take an appropriate expeditious action for restoration of the water body in question to its original position in accordance with law if there is no legal impediment in this regard.”

Hence, if the cancellation order becomes inoperative for the reason of filing the appeal or passing of order of stay in appeal then the above direction adequately protects the petitioner.

The review petition further reflects that notice of the writ petition was duly served upon the petitioner, yet he had failed to appear when the matter was listed on 02.05.2022.

In the aforesaid circumstances, we are of the opinion that there is no error apparent on the face of record and no case for review is made out. The review petition is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)