

Sl. No.42
30.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8891 of 2022

Bamapada Kundu & Anr.
Vs.
State of West Bengal & Ors.

Mr. Biswajit De
Mr. Panchanan Hajra
... for the petitioner
Mr. Susanta Pal
Ms. Ananya Neogi
... for the State
Ms. Pampa Dey (Dhabal)
... for the respondent no.8

The petitioners allege that the respondent no.8 has set up a wheat mill on a plot of land which is recorded as 'Path' in the record of rights. The petitioners claim to be the landlords of the said plot of land.

According to the petitioners, no permission has been obtained by the respondent no.8 for the purpose of setting up of the wheat mill. There is no license granted in favour of the said respondent for running the wheat mill on a plot which is recorded as 'Path'.

The petitioners complain that the representation filed before the Pradhan of the Gram Panchayat is pending consideration.

Learned advocate representing the respondent no.8 submits that the respondent no.8 is a tenant of the said

plot of land and the wheat mill in question is running from the year 1975.

The respondent no.8 relies upon a Trade Registration Certificate issued by the Pradhan of the Gram Panchayat in August, 2021 and the receipt showing submission of fees before the Panchayat in August, 2021.

A report has been filed by the Industrial Development Officer, Arambagh Development Block dated 28th July, 2022 which mentions that a spot inspection of the plot was conducted and it was revealed that a wheat grinding mill is operating in the plot No.4801 under Khatian No. 3438 recorded in the name of Shyamali Kundu. No document was available with regard to statutory clearance/payment from the concerned authority for running the wheat mill. Apart from a rent receipt and a copy of the tax receipt no other documents could be produced by the respondent for running the said wheat mill.

Learned advocate representing the respondent no.8 asserts that the wheat mill is being running for a considerable period of time after obtaining necessary permission from the competent authority.

It appears from the submissions made on behalf of the parties that the representation filed by the petitioner before the Pradhan of the Gram Panchayat in April, 2022 is pending disposal till date.

In view of the above, the instant writ petition is disposed of by directing the respondent no.7 being the Pradhan of the Gram Panchayat to consider the said representation filed by the petitioners strictly in accordance with law, after giving reasonable opportunity of hearing to all the parties to produce documents in respect of their claim.

The Pradhan shall ensure that the representation filed by the petitioner is disposed of at the earliest but positively within a period of twelve weeks from the date of communication of this order. The aforesaid respondent shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the parties and all points are left open to be decided by the Pradhan at the time of consideration of the representation of the petitioners.

The learned advocate of the petitioners is directed to forward a copy of the representation dated 1st April, 2022 along with documents in support of their claim to the aforesaid respondent at the time of communicating the order of the Court.

Instruction given by the Industrial Development Officer, Arambagh Development Block and the documents handed over by the learned advocate representing the respondent no.8 be retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)