

**Sl. No.47**  
**17.08.2022**

Court No.24  
B.M.

**In The High Court At Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A 20027 of 2021**

**Sudhir alias Sudhin Kumar Mahata**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Sabyasachi Mukhopadhyay  
Mr. Koushikee Banerjee

... for the petitioner

Mr. T. Adhikary  
Mr. P. K. Bhattacharyya

... for the State

Mr. Anindya Halder  
... for the respondent nos. 8 to 10  
Mr. Sukanta Chakraborty  
... for the respondent no.11

The petitioner prays for a direction upon the Asansol Municipal Corporation for cancellation of the sanctioned plan issued in favour of Aditya Vikram Chamaria, being the respondent no.11.

According to the petitioner, the said plan was sanctioned relying on fraudulent documents and misrepresentation.

The petitioner has been informed under the Right to Information Act that a certificate of the owner has been filed mentioning that there is no court case or complaint pending from any corner in respect of the property.

The petitioner relies upon order passed by this Court in a Second Appeal which is pending in between

the parties wherein an order has been passed on 2<sup>nd</sup> September, 2019 in CAN 7683 of 2018, SAT 131 of 2018, Sudhir @ Sudhin Kumar Mahata Vs. Meena Madhogoria & Ors. where the Court was pleased to passed an order restraining the defendants/respondents from selling, transferring, alienating and/or creating any third party interest in respect of the suit premises till the disposal of the Second Appeal. It has been submitted that the Second Appeal is still pending for disposal before this Court.

The petitioner filed representation before the Asansol Municipal Corporation in November, 2021 and alleges that the same has not been taken up for consideration till date.

Learned advocate representing the respondent no.11 submits that no proceeding is pending between the petitioner and the respondent no.11.

The transfer was effected in favour of the respondent no.11 when there was no restraint order and accordingly, the restraint order relied upon by the petitioner will not applicable in his case.

Be that as it may, as it appears that the representation filed by the petitioner is pending consideration at the end of the Asansol Municipal Corporation, accordingly, the instant writ petition is disposed of by directing the competent authority of the Asansol Municipal Corporation to take a decision with

regard to the prayer of the petitioner strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

An opportunity of hearing shall be granted by the Corporation to all the necessary parties.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

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

Learned advocate for the petitioner is directed to forward a copy of the representation dated 1<sup>st</sup> November, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Affidavits of service filed in Court are taken on records.

None appears on behalf of Asansol Municipal Corporation despite service.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

**( Amrita Sinha, J.)**