

18.2.2022
Sl. No.19
Sl.11
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W.P.A. No. 21494 of 2021
Sanjib Bhattacharya
Vs.
The State of West Bengal & Ors.

Mr. Gautam Chakraborty
Mr. Kartick Kr.Ray
Mr. Pinaki Ghosh
Mr. Arindam Paul
Ms. Parna Mukherjee
 ..for the petitioner
Mr. Suddhasatya Banerjee
Ms. Rituparna Chatterjee
 ..for the respondent no.11
Mr. Sayantan Bose
Mr. Arjun Mookherjee
Ms. A.Mukherjee
 ..for the respondent no.12
Mr. Mrinal Kanti Ghosh
Mr. Pinaki Brata Ghosh
Mr. Soumyajit Ghosal
 ..for the respondent no.13
Mr. Gaurav Purakayastha
Ms. Susmita Mazumder
 ..for the respondent no.14
Mr. Sk. H. Rabana
Mr. Tapas Kr. Dey
 ..for the State

Despite service, none appears on behalf of the New Town Kolkata Development Authority. Let the affidavit of service is taken on record.

The petitioner is aggrieved by the non-compliance of the order of this Court dated September 2, 2021. The allegations are that the Executive Officer, Rajarhat Panchayat Samity issued a building sanction plan on November 18, 2020 in the name of one late Biswanath

Bhattacharjee, when the said Biswanath Bhattacharjee was already dead.

The petitioner is one of the legal heirs of said Biswanath Bhattacharjee. The respondent nos. 12,13 and 14 are also the legal heirs of late Biswanath Bhattacharjee. Allegations have been made that the approval has been given in collusion with the respondent no. 11. Further allegation is that the land was not converted as per the rules from Sali to Bastu. The contentions are that the building sanction could not be given to a dead man and the respondent No.11 could not act as the power of attorney holder of a dead man.

This Court had directed the Additional District Magistrate (Development), North 24 Parganas Zilla Parishad to dispose of the complaint filed by the petitioner dated February 25, 2021 and February 10,2021 in accordance with law upon hearing all the parties, heirs of late Biswanath Bhattacharjee as also the respondent no.11, who is developing the property.

This Court also directed that the authority shall also look in to the correctness of the allegations with regard to grant of the sanction plan in respect of late Biswanath Bhattacharjee on the facts which have been submitted by the petitioner. The authorities were restrained from deciding the question of title.

It is submitted by the learned advocate for the petitioner that the Additional District Magistrate

(Development), North 24 Parganas has now been re-designated as Additional District Magistrate (Panchayat), North 24 Parganas and the said authority must be directed to proceed in accordance with law.

Mr. Banerjee, learned advocate for the respondent no. 11 submits that his client has not received the notice.

It is submitted by Mr. Bose, learned advocate for the respondent no. 12 that the Additional District Magistrate (Panchayat), North 24 Parganas has already fixed the next date of hearing on March 7, 2022 at 12 noon.

The notice has been produced before this Court.

As the Additional District Magistrate (Panchayat), North 24 Parganas has already fixed the hearing of the matter on March 7, 2022, no further order need be passed in this writ petition, except direction upon the said authority to conclude the proceeding as directed by this Court earlier, within a period of one month from the date of communication of this order.

No unnecessary adjournments shall be given to any of the parties.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)