

07.07.2022
RP/Ct. 2
sl no. 29

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction**

**WPA 1457 of 2022
Shantinagar Housing Complex Society & Anr.
Vs.
State of West Bengal & Ors.**

Mr. Hillol Saha Poddar Ms. Mousumi Das	 For Petitioner
Mr. Subir Kumar Saha Mr. Pretom Das	 For State
Mr. Raja Saha Mr. Sanjay Mukherjee	 For SJDA

Heard the learned advocates for the petitioner,
authority of SJDA and the State.

The allegation of the petitioner is that the permission granted to the petitioner to put a fence around six greeneries in Shantinagar Housing Complex initially by the SJDA on August 3, 2021 by issuing a No Objection Certificate for putting fence around six greeneries at Shantinagar Housing Complex was withdrawn without assigning any reasons.

Mr. Saha, learned advocate appearing for SJDA submits that the property does not belong to the petitioner and SJDA is the owner of such greeneries. He further submits that the “No Objection Certificate” was

not withdrawn or cancelled but the same has only been kept in abeyance.

After hearing the learned advocate for the parties and considering the materials on record, this Court is of the considered view that no useful purpose will be served by keeping the writ petition pending and inviting the parties to exchange their affidavits.

Since the “No Objection Certificate” was only kept in abeyance as would be evident from the letter dated 13.8.2021, the same cannot be kept in abeyance for an eternity.

In view thereof, the Chief Executive Officer, SJDA, being the respondent no.5 herein, is directed to consider the representation of the petitioner dated August 24, 2021, which is annexed as Annexure P-6 at page 28 of the writ petition and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner or his authorized representative and communicate the same to the petitioner as expeditiously as possible but positively within a period of two weeks from the date of receipt of the server copy of this order.

With the aforesaid direction, WPA 1457 of 2022 is disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of usual formalities.

(Hiranmay Bhattacharyya, J.)