

Item No.611

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

31.08.2023
Ct-24
AGM

WPA 2347 of 2020
With
CAN/1/2023

Gopal Patra
v.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Lakshmi Narayan Das
... for the Petitioner.

Mr. Shamim Ul Bari
... for the State.

Affidavit-of-service along with unserved envelope
be kept with the record.

Application has been filed for recalling the order
dated 18th May, 2023 dismissing the writ petition for
default.

I have perused the said application and being
satisfied with the grounds mentioned therein, recall the
order dated 18th May, 2023.

The application being CAN 1 of 2023 is disposed
of.

The writ petition is restored to its original file and
number.

WPA 2347 of 2020

The petitioner alleges illegal and unauthorised construction at the instance of the Kelpriya Gram Panchayat and the Hooghly Zilla Parishad in constructing public road over the private land of the petitioner by demolishing his boundary wall.

Objection was filed before the Zilla Parishad in December, 2019. The same has not been answered till date.

As it appears the objection filed before the Zilla Parishad is pending consideration till date, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is disposed of by directing the respondent no. 2 being the District Magistrate and Collector to take steps to consider and dispose of the objection filed by the petitioner in December 2019 in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties including the petitioner, the Panchayat and the Zilla Parishad.

A joint spot inspection shall be conducted to ascertain the extent of encroachment or unauthorised construction over the private land of the petitioner.

The objection shall positively be disposed of at the earliest but not later than twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the objection received by the office of the Hooghly Zilla Parishad on 26th December, 2019 along with all other supporting documents to the aforesaid respondent at the time of communicating the order of Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)