

30
jdt.

01.03.2023
jb.

W.P.A. 4600 of 2023
(Pintu Ghosh vs. State of West Bengal & Ors.)

Mr. Sujit Banerjee
Mr. Nilay Sengupta
.... For the Petitioner

Ms. Mekhla Sinha
.... For the Howrah Zilla Parishad

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the State respondents and the Kandua Gram Panchayat despite service.

Mr. Chandi Charan De who is present in Court and usually appears for the State is requested to represent the State in this matter. His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve copy of the writ petition along with annexure thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioner claims to be a co-owner of the plot in question and submits that the 2nd and 3rd respondents are trying to construct a health centre in a portion of the said plot by manipulating the record of rights of the plot without acquiring the same by due process of law. The petitioner seeks to submit a representation before the concerned authority ventilating his grievance and prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the District Magistrate being the 4th respondent herein be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 4th respondent within seven days from date. The 4th respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Pending disposal of the representation no construction shall be made by the respondent authorities in the property of the petitioner or any portion thereof.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)