

WPA(P) 123 of 2023
Ajit Kumar Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sufi Masih Aftab

... .. for the petitioners

Mr. Samrat Sen, AAAG

Mr. Nilotpal Chatterjee

Ms. Amrita Panja Maulick

... .. for the State

Ms. Pampa Dey (Dhabal)

... .. for the respondent nos.10 & 11

Affidavit of service filed by the petitioners is taken on record.

Submission of learned counsel for the petitioners is that the private respondents have raised the construction in violation of law by filling up water body and encroaching upon the road. He has pointed out that earlier the petitioners filed WPA (P) 248 of 2022 raising this issue which was disposed of by this Court by order dated 12th July, 2022 directing the Executive Officer, Gangasagar Bakkhali Development Authority to consider the petitioners' representation and conduct an enquiry. It was further directed that if the allegations made by the petitioners are found to be correct, then the appropriate action in accordance with law will be taken within a period of three months.

He submits that thereafter the concerned Executive Officer had undertaken enquiry and had passed the order dated 16th November, 2022 finding the construction to be in violation of CRZ norms, violation of the scheme of

NGNB patta, usurpation of vested land without permission. His allegation is that in spite of the said finding no action has been taken till now.

Learned counsel for the respondent nos.10 and 11 has informed that against the order of the Executive Officer dated 16th November, 2022 the said respondents had preferred WPA 26194 of 2022 before the learned Single Judge and the petition was disposed of by order dated 12th December, 2022 permitting the concerned respondents to prefer an appeal under the provisions of West Bengal Town and Country (Planning and Development) Act, 1979.

She has pointed out that against the order of the Executive Officer appeal No.53 of 2023 has been filed by the respondent nos.10 and 11 before the District Judge, Alipore which is pending.

Having regard to the nature of the dispute, a request has been made for directing early disposal of the appeal.

Hence, we dispose of this petition with a direction to the appellate authority to decide the appeal expeditiously and thereafter to taken appropriate action in accordance with law on the basis of the final outcome in the matter.

(Prakash Shrivastava, C.J.)

(Ananya Bandyopadhyay, J.)