

11.04.2023
Court No. 19
Item No.26
CP

W.P.A. No. 7981 of 2023

Ashique Kabir

Vs.

The State of West Bengal & Ors.

Mr. Shounak Ghosh

Ms. Taslima Khatun

...for the petitioner.

Ms. Sipra Majumdar

Ms. Sangeeta Roy

....for the State.

Mr. Animesh Mukherjee

Mr. Ali Ahasan

....for the private respondents.

The petitioner had alleged that the respondent nos. 6 to 11 were raising a construction without permission.

The learned advocate for the respondent nos. 6 to 11 have produced a copy of the plan that was sanctioned by the Kholapota Gram Panchayat sometime in May 2019.

Thus, in view of such factual dispute the writ petition cannot be entertained in its present form. No orders can be passed in the writ petition at this stage.

The writ petition is disposed of without any orders but with liberty to the petitioner to approach the Kholapota Gram Panchayat for a copy of the

building plan purportedly sanctioned in favour of the respondent nos. 6 to 11. Usual cost shall be borne by the petitioner. If such application is filed, the same shall be disposed of by the authority within a period of one month from the date of receipt of the application.

The authority shall also inform the petitioner whether any plan had been sanctioned in respect of Plot No. 610. Upon obtaining the information, the petitioner shall be at liberty to proceed in accordance with law, in case the authorities deny sanction of any plan or the petitioner finds deviation from the sanctioned plan.

The writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)