

D/L
Item No 03
22.06.2023
KOLE

**MAT 790 of 2023
With
IA No. CAN 1 of 2023**

**Munmum Ghosh (Bose)
-Vs.-
The State of West Bengal & Ors.**

Mr. Chandradoy Roy,

...for the appellant.

*Mr. Wasim Ahmed,
Sk. Md. Masud,*

...for the State.

Affidavit of service was filed in court on the last occasion. Today, copies of track reports have been filed evidencing service on the private respondents. None appears for the private respondents. However, in view of the nature of order that we propose to pass, we do not deem it necessary to defer the hearing of this matter.

A judgment and order dated April 25, 2023, whereby the appellant's writ petition being WPA 16351 of 2022 was disposed of, is the subject matter of challenge in this appeal at the instance of the writ petitioner.

The writ petitioner alleged before the learned Single Judge that the private respondents have started raising construction on the concerned plot in Mouza-Jafferpur, without any conversion and without any sanctioned plan from the Ghorarash Kulingram Gram Panchayat.

The learned Judge noted that a partition suit is pending between the petitioner and her mother. There is an

order of *status quo* in such suit. However, the private respondents are not parties to that suit.

The learned Judge noted that the writ petitioner has not approached the appropriate authorities with any grievance against the private respondents. The learned Judge disposed of the writ petition by granting liberty to the writ petitioner to approach the competent authority and directed such authority to take steps on the complaint, if made, after hearing all interested parties and holding inspection. A reasoned order was directed to be passed. The entire exercise was directed to be completed within eight weeks.

Being dissatisfied, the writ petitioner has come up by way of this appeal.

We see no apparent infirmity in the order under appeal. However, we clarify that the appellant will be at liberty to make a comprehensive representation to the respondent nos. 7 and 8 herein. If such representation is made within a fortnight from date, the said respondents shall dispose of the representation in accordance with law, by a reasoned order, after granting an opportunity of hearing to the appellant/writ petitioner and the private respondents herein or their authorized representatives, within a period of four weeks from the date of receipt of the representation. The decision so taken, shall be communicated to the parties herein within a week from the date of the decision. Needless to say, if the said respondents find substance in the allegation of the appellant that the private respondents are

making or have made unauthorized construction without obtaining due sanction, the said respondents shall take due steps in accordance with law for removal of such unauthorized construction.

We have not gone into the merits of the disputes between the parties. The respondent nos. 7 and 8 shall take an informed decision on the representation of the appellant herein, if made within a fortnight from date.

Since we have not called for affidavits, the allegations made in the stay application are deemed not to be admitted by the respondents.

The appeal and the connected application are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)