

Item No.59

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.10.2023
Ct-24

WPA 13497 of 2023
Abdul Anas Khan

v.

The State of West Bengal & Ors.

Mr. Saktinath Mukherjee, Ld. Sr. Adv.
Mr. Saunak Bhattacharyya
Mr. Sounak Mondal
Mr. Abhirup Halder
... for the petitioner.

Mr. Syamal Kumar Ghosh
Mr. Subimal Ghorai
Ms. Smita Pal
Ms. Krishna Yadav
... for the respondent no. 11.

Ms. Jyotsna Roy Mukherjee
Ms. Srijani Mukherjee
... for the State.

The petitioner is aggrieved by the act of the BL & LRO, Nandigram-III, Chandipur in permitting the private respondent to run a “Cow Haat” from the plots which are recorded as Bastu, Jal & Dokan.

An objection seeking cancellation of the licence issued in favour of the private respondent for running the haat is pending consideration before the respondent authorities.

Learned advocate representing the private respondent submits that the licence was granted in respect of the land which is recorded as Jal.

It is submitted that application for conversion of the classification of the land is pending consideration before the respondent authority.

Without going into the merit of the claim and counter claim of the parties, as it appears that a representation is pending consideration before the respondent authority, accordingly the writ petition is disposed of by directing the respondent no. 6 being the Executive Officer, Chandipur Panchayat Samity to consider the objection filed by the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

The parties will be entitled to produce documents in support of their claim at the time of hearing.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated April 20, 2023 to the aforesaid respondent at the time of communicating the order of the 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.

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(Amrita Sinha, J.)