

April 18, 2023  
Sl. No.A 110  
Court No.19  
s.biswas

WPA 14428 of 2022

*Nabakumar Koley*

*vs.*

*The State of West Bengal and others*

Mr. Sukumar Ghosh,  
Ms. Moumita Ghosh, Advocates

... for the petitioner

Ms. Sima Adhikari,  
Ms. Kakali Naskar, Advocates

... for the State

Mr. Ayan Banerjee,  
Ms. Debjani Sengupta, Advocates

... for the respondent nos.9, 10, 11 and 12

Mr. Suman Basu,  
Ms. Debanwita Pramanik, Advocates

... for the Hooghly Zilla Parishad

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

The prayers in the writ petition need not be  
separately allowed as the petitioner has already been  
granted an order earlier, whereby the Hooghly Zilla  
Parishad was directed to consider the grievance of  
the petitioner. Such grievance included the allegation  
that the sanction was wrongly issued by the Hooghly  
Zilla Parishad in favour of the respondent nos.9 to  
12.

Learned advocate for the petitioner submits that  
the Deed of Gift, on the basis of which the vendor of  
respondent nos.9 to 12 had acquired the right title  
and interest in respect of the property was illegal.  
Hence, there being a defect in the title of the vendor,  
the respondent Nos.9 to 12 also did not have any  
right on the land on which such construction had  
been sanctioned.

Learned advocate for the Hooghly Zilla Parishad submits that all the issues shall be decided on the basis of the records and papers, that have been submitted by the parties. The issue of sanction in favour of respondent nos.9 to 12, shall be decided.

The Court does not express any opinion as the authority is yet to dispose of the proceedings initiated on the basis of the earlier order of this Court.

The competent authority of the Hooghly Zilla Parishad shall give a final hearing to all the parties on the issues raised earlier and also in this writ petition, with regard to the construction of the respondent nos.9 to 12.

The Hooghly Zilla Parishad shall take necessary steps to pass a reasoned order and communicate the same within a period of six weeks from the date communication of this order.

If the petitioner is absent on the next date fixed, the Zilla Parishad shall proceed in the absence of the petitioner.

Accordingly, 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 server copy of this order.

**(Shampa Sarkar, J.)**