

WPA 19536 of 2018

**Sri Mohit Lal Saha
Vs.
The State of West Bengal & Ors.**

Mr. Sabyasachi Mukhopadhyay
Ms. Koushikee Banerjee

... .. for the petitioner

Mr. Sankar Halder

... .. for the respondent nos.2 & 3

Affidavit of service filed on behalf of the
petitioner is taken on record.

The writ petition is instituted, inter alia,
challenging the order dated 10th September, 2018
passed by the Chairman, Krishnagar Municipality
whereby and whereunder the prayer of the
petitioner for granting sanctioned plan which
would entitle the petitioner to make construction
according to the sanctioned plan was spurned.

It further appears that the decision was
taken by the Chairman of Krishnagar Municipality,
pursuant to the order passed by a Co-ordinate
Bench on a writ petition being WPA 12669 of 2016
dated 16th July, 2018.

Mr. Mukhopadhyay, learned advocate
representing the petitioner during course of
hearing has relied upon the order of conversion
issued by the Sub-Divisional Land and Land
Reforms Officer, Nadia dated 28th January, 2002
whereby the land-in-question has been classified

as “Viti” on conversion with effect from 24th January, 2002. Notice of this Court has also been drawn to a communication dated 12th July, 2018 issued by the Block Land and Land Reforms Officer, Krishnagar-1, Nadia which corroborates the conversion order issued by the Sub-Divisional Land & Land Reforms Officer, Nadia dated 28th January, 2002.

It has been further been contended on behalf of the petitioner that simply relying upon Section 17A of the West Bengal Inland Fisheries Act, 1984 the Chairman of the Municipality decided not to grant sanctioned plan in favour of the petitioner as prayed for. According to the petitioner the order of conversion issued by the competent authority has not been considered by the authority while taking decision on application seeking sanctioned plan.

Municipality is represented by learned advocate who has made an effort to justify the order of the Chairman of the Municipality dated 10th September, 2018 based on the statements made in the affidavit-in-opposition affirmed on behalf of the Krishnagar Municipality and has also opposed the prayer made on behalf of the petitioner for issuance of sanctioned plan.

However, no one is representing State respondents today.

Having considered the submissions made on behalf of the petitioner and the Municipality and on taking note of the documents available on record, it appears that the impugned decision of the Chairman of the Municipality dated 10th September, 2018 is devoid of cogent reasons and the said order depicts non-application of mind.

The emphasis laid on behalf of the petitioner is on the order of conversion dated 28th January, 2002 which is at page 40 of the writ petition, whereby the land in question has been reclassified as “Viti” and the said order dated 28th January, 2002 has not been taken into consideration while decision was taken by the Chairman of the Municipality not to grant sanctioned plan in favour of the petitioner.

In view of the aforesaid scenario the impugned order dated 10th January, 2018 is set aside. The concerned authority of Krishnagar Municipality is directed to revisit the issue after granting opportunity of hearing to the petitioner or his representative and pass a reasoned order on the application of the petitioner seeking sanctioned plan within a period of eight weeks from the date of communication of this order.

It has further been clarified that while taking decision the concerned authority of Krishnagar Municipality is directed to consider the order of

conversion dated 28th January, 2002 issued by the Sub-divisional Land & Land Reforms Officer, Nadia.

With the aforesaid directions the writ petition stands disposed of. There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)