

09.11.2023

Ct. No.5

rpgc/**38**

WPA 25891 of 2023

Basanti Rani Roy

– Versus –

The State of West Bengal & Others

Mr. Gobinda Chandra Baidya,

Mr. H. Mandal

... for the Petitioner.

Mr. Jayanta Samanta,

Mr. Manoj Mondal

... for the State.

Mr. Srijan Nayak,

Ms. Rituparna Maitra

... for the Respondent nos.2-5.

Mr. Mir Anuruzzaman

... for the Sonarpur Municipality.

Mr. G. R. Hossain,

Ms. V. Roy,

Ms. P. Mondal

... for the respondent no.12.

Mr. Supratik Basu,

Ms. S. Chhari

... for the respondent nos.17-21.

1. The writ petitioner complains that the respondent no.12 is raising construction without a valid sanction plan and without obtaining permission from the Board of Directors of the Co-operative Society.
2. Learned advocate representing the respondent no.12 submits, upon instruction, that the construction is being made in accordance with the plan sanctioned by the Municipality. Learned advocate is, however, unable to produce any order and/or communication from the Board of Directors of the Co-operative Society permitting such construction to be made.

3. It has been admitted by the parties that the land belongs to the co-operative society. A complaint has been lodged by the petitioner and the same is pending consideration before the Assistant Registrar of Co-operative Society. It has been submitted that the next date of hearing before the Assistant Registrar of Co-operative Societies, South 24 Parganas is 1st December, 2023.
4. The Assistant Registrar of Co-operative Societies is directed to consider the issue in accordance with law after giving reasonable opportunity of hearing to all the necessaries parties and pass a reasoned order in the matter at the earliest but positively within twelve weeks from the date of communication of this order.
5. The private respondent no.12 is restrained from raising any further construction in the matter till 15th December, 2023 or until further order, whichever is earlier.
6. The Assistant Registrar of Co-operative Societies shall take a decision on 1st December, 2023 or immediately thereafter whether to permit the private respondent no.12 to continue with the construction work allegedly in accordance with the plan sanctioned by the Municipality.
7. The private respondent no.12 will be at liberty to produce all documents before the Assistant Registrar of Co-operative Societies at the time of hearing on 1st December, 2023 in support of the construction made.

8. If the prayer of the private respondent seeking permission to continue the construction work is disallowed, then the reasons therefor shall be specifically communicated to the parties.
9. Writ petition stands disposed of.
10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)