

S/L 19
09.01.2023
Court. No. 19
GB

W.P.A. 28743 of 2022

Bamapada Kundu & Anr.
VS
The State of West Bengal & Ors.

Mr. Panchanan Hazra.

...for the Petitioners.

Mr. Benazir Ahmed.

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.7 and 8. As this Court is not inclined to pass any mandatory directions but is relegating the matter before the competent authority to decide the issues, the writ petition is taken up and disposed of in their absence.

The petitioners submit that the respondent no.8 had constructed a structure to be used as a wheat grinding mill without permission from the panchayat authorities and also without the statutory clearances and no objections from other authorities.

This fact has already been recorded in an earlier order passed by a learned coordinate Bench. The Pradhan was directed to dispose of the representation of the petitioners with regard to the allegation of unauthorized construction. Subsequently, the petitioners also filed an application for cancellation of the trade licence, if the same had been granted to the respondent no.8.

The petitioners allege that the earlier order of the coordinate Bench of this Court had not been complied with and the subsequent representation of the petitioners also had not been disposed of.

This Court is of the view that the order passed by the coordinate Bench in W.P.A. No.8891 of 2022 must be complied with forthwith, if not already done. The representation of the petitioners at Page-26 of the writ petition dated September 27, 2022 shall also be disposed of, upon hearing the parties. The petitioners have prayed for cancellation of the trade licence if the same had been granted for the purpose of the wheat grinding mill. A comprehensive reasoned order shall be passed upon disposal of both the representations, if the earlier one is still pending. The order of the coordinate Bench of this Court shall be followed in its letters and spirit. The reasoned order shall be communicated to the parties. A hearing shall be given to the petitioners, the respondent no.8 as also to the Industrial Development Officer, Arambagh Development Block.

Needless to mention, all consequential actions as per law shall follow the hearing, if the allegations are proved to be correct.

This Court has not gone into the merits of the allegations made in the writ petition. The respondent no.8 will be entitled to file documents in support of such construction as also in support of such wheat grinding business.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

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 the server copy of this order.

(Shampa Sarkar, J.)