

05-10-2023
Court No.3
Sh/5.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 1707 of 2023

With

CAN 1 of 2023

With

CAN 2 of 2023.

Terai Infrastructures Ltd. & Anr.

-Vs-

Siliguri Jalpaiguri Development Authority & Ors.

Mr. Sagar Bandopadhyay,

Mr. Sitesh Kumar Gupta,

Mr. Bikramaditya Ghosh.

For the petitioners.

Mr. Momenur Rahaman.

For the State.

Mr. Raja Saha,

Ms. Bedashruti Bose,

Mr. Subham Chanda.

For the SJDA.

Mr. Debdut Mukhorjee,

Mr. Deborshi Dhar.

For CAN 1 of 2023.

Dr. Navin Barik,

Ms. Esha Acharya.

For CAN 2 of 2023.

The petitioners claim to be the owners of different plots of land in Mouja Dabgram, District Jalpaiguri.

It is the case of the petitioners that they amalgamated the said plots of land and thereafter applied before the Siliguri Jalpaiguri Development Authority (SJDA) under Section 46 of West Bengal Town and Country Planning Act, 1979 for issuance of a Land Use Compatibility certificate. Since no positive

response was received from the SJDA they have filed this writ petition.

On behalf of SJDA, Mr. Raja Saha, learned advocate, submits that to clarify certain issues relating to the area and ownership with regard to the lands in question, a report was called for from the concerned Block Land & Land Reforms Officer (BL & LRO), Jalpaiguri, but no satisfactory report was received from his end.

It appears that a co-ordinate bench of this Court on August 14, 2023 directed the concerned District Land and Land Reforms Officer to file a comprehensive report after giving an opportunity of hearing to all the parties within a period of one month from the date of communication of that order.

Today a report has been filed by the said authority in terms of the said order dated August 14, 2023.

Let the report filed by the said authority in terms of the order dated August 14, 2023 be kept with the records.

Mr. Raja Saha, learned advocate appearing for the SJDA submits that copy of the said report has not yet been served upon him.

Let a copy of the said report be served upon him by the State.

I am of the view that there is no justification to keep this writ petition pending.

Accordingly, this writ petition is disposed of with a direction upon respondent no.3 to dispose of the application filed by the petitioners for issuance of Land Use Compatibility certificate after taking into consideration of the report filed by the concerned DL & LRO (District Land & Land Reforms Officer) within a period of three months from the date of communication of this order.

It appears that two applications (CAN 1 of 2023 and CAN 2 of 2023) have been filed in connection with this writ petition for addition of party. In both the applications, the applicants claim their right title and interest over the lands in question.

I am not inclined to decide the disputes as raised by the applicants in these applications. The applicants will be at liberty to approach respondent no.3 to ventilate their grievances, if any.

The application of the petitioners for issuance of Land Use Compatibility certificate will be decided by respondent no.3 after giving an opportunity of hearing to the all concerned including the applicants in CAN 1 of 2023 and CAN 2 of 2023.

Needless to mention, that this court has not gone into the merits of the case. Respondent no.3

shall decide the application filed by the petitioners strictly in accordance with law without being influenced by any observations made in this order.

Accordingly, WPA 1707 of 2023 together with CAN 1 of 2023 and CAN 2 of 2023 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously subject to compliance of all requisite formalities.

(KAUSIK CHANDA, J.)