

44
20.11.2024
mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5127 of 2024

Sabina Yesmin
Vs.
The State of West Bengal & Ors.

Mr. Sujay Bandyopadhyay,
Mr. Jagajyoti Das,
Mr. Md. Kutubuddin
...for the petitioner

Mr. Swapan Nath,
Mr. Rachit Lakhmani,
...for the respondent no. 7

Affidavit of Service filed today be kept with the records.

Despite notice, none appears for the State.

In view of non-appearance of the State, Mr. Arindam Chattopadhyay, Advocate, who usually appears on behalf of the State, is requested to represent the State in this matter along with his junior Mr. Soumik Dey, Advocate.

The services of Mr. Chattopadhyay and Mr. De be regularized by the Legal Remembrancer.

The petitioner is directed to hand over a copy of the writ petition on Mr. Chattopadhyay.

The grievance of the petitioner is directed against an alleged illegal and unauthorized construction by the private respondent on the land belonging to the petitioner. It is submitted on

behalf of the petitioner that notwithstanding having filed a representation dated February 12, 2024, the concerned Block Land & Land Reforms Officer, Baruipur, being the respondent no. 4 herein, has deliberately failed and neglected to dispose of the said representation.

The private respondent is represented and submits that the dispute by and between the petitioner and the private respondent is personal in nature and the subject premises is ancestral property. It is also submitted by the private respondent that they have lawfully obtained a sanction plan in respect of the subject construction.

It is submitted on behalf of the State respondents that they have no objection if the appropriate direction is passed directing the respondent no. 4, being the Block Land and Land Reforms Officer, Baruipur, to consider and dispose of the representation of the petitioner in accordance with law.

In view of the fact that the representation was filed as far back as in February, 2024 and has not yet been disposed of, W.P.A. No. 5127 of 2024 is disposed of by directing the respondent no. 4 to consider and dispose of the representation dated February 12, 2024 within a period of six weeks from the date of communication of this order and, if necessary, after giving a right of hearing to the

affected parties, in accordance with law and without being influenced by any of the directions or observations made in this order.

It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the respondent no. 4 strictly in accordance with law.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)