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26.11.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13513 of 2024

Jharna Karmakar
Vs.
The State of West Bengal & Ors.

Mr. Arun Naskar
...for the petitioner

Ms. Saswati Chatterjee,
Mr. Debasish Bhattacharyya
...for the State

Ms. Mekhla Sinha,
Ms. Malabika Ray Dey
...for the Howrah Zilla Parishad

Mr. Abhishek Halder,
Ms. Madhurima Basu
...for the respondent no. 8

This is the second round of litigation between the parties.

The grievance of the petitioner is directed in respect of filling up of a water body.

It is submitted on behalf of the petitioner that despite an order dated December 15, 2023 passed in W.P.A No. 21582 of 2023 by a Coordinate Bench, the respondent authorities and more particularly, the Pradhan, being the respondent no. 8 herein, has failed to take any steps in the matter.

There are serious allegation of interpolation of documents and the fact that the petitioner on an earlier visit was made to sign on a blank paper.

The Howrah Zilla Parishad is represented and submits that no grievance has been raised insofar as the Howrah Zilla Parishad is concerned.

The State respondents are represented and submit that they have no role to play in the matter.

The respondent no. 8 is represented and submits that he has no objection if the Pradhan is directed to take a final decision insofar as the representation of the petitioner is concerned.

The prayer of removal of the Pradhan is not seriously pressed by the petitioner.

Having heard the parties, W.P.A. No. 13513 of 2024 stands disposed of by directing the respondent no. 8 to finally consider and dispose of the representation dated February 05, 2024 in terms of the earlier order of this Court dated December 15, 2023 within a period of four weeks from the date of communication of this order to the said respondent. It is made clear that in view of settled proposition of law, there can be no estoppel against statute, the alleged consent on behalf of the petitioner cannot be a ground for the respondent no. 8 not to act in accordance with law.

It is made clear that no unnecessary adjournments should be granted by the concerned Pradhan to any of the parties.

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 concerned Pradhan strictly in accordance with law.

There shall 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.)