

30 10.6.2024
Sc Ct. no.2

WPA 12680 OF 2023

Gobinda Chandra Dutta

Vs.

The State of West Bengal & Ors.

Mr. Sabyasachi Hazra

.... For the Petitioner

Mr. Jahar Dutta

Mr. Bipin Ghosh.

.... For the Respondent

Nos. 1 to 8

Mr. Sabyasachi Hazra, learned advocate appears for the petitioner.

Mr. Jahar Dutta, learned State counsel with Mr. Bipin Ghosh, learned counsel appears for the respondent nos. 1 to 8.

The petitioner claims that, he wants to maintain his pond. The petitioner applied for necessary permission/no objection from the Panchayat authority, but not granted. The petitioner submitted a representation dated **April 24, 2023, Annexure-P4 at page 14** to the writ petition before the respondent no.9, the same has not yet received any attention of the authority.

To subserve justice the respondent no.9 is directed upon issuing a prior notice of hearing of at least seven days to the petitioner to decide the said representation

dated **April 24, 2023** after granting an opportunity of hearing to him and then by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent no.9 specifically within a period of **four weeks** from the date of communication of this order. The respondent no.9 then shall communicate its reasoned order to the petitioner positively within a further period of **two weeks** from the date of the reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner shall be at liberty to urge whatever points it wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no.9.

This order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive his claim strictly in accordance with laws.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

In the event the reasoned decision goes in favour of the petitioner, the respondent no.9 shall take all consequential steps immediately within a period of **two weeks** from the date of communication of the reasoned order to the petitioner.

On the above terms this writ petition, **WPA 12680 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)