

W.P.A. 14057 of 2024

**Kamal Kumar Seth
-Vs.-
The State of West Bengal &Ors.**

Mr. Balaram Pandit
Mr. Krishna Deo Das
...for the petitioner

Mr. G. Alam
Mr. Ranjit Rajak
...for the State

Mr. Soham Dutta
...for the respondent No. 7

Affidavit of Service filed in Court today be kept
with the records.

The grievance of the petitioner is directed
against illegal and unauthorised construction.

It is submitted on behalf of the petitioner that
the private respondent has unlawfully and illegally
constructed the subject premises.

The State is represented prays for an
adjournment.

The private respondents are represented and
submits that the above construction has taken place
with the consent of the concerned Panchayat
authorities and in accordance with the Pradhan
Mantri Awas Yojana (PMAY) Scheme.

In view of the irreconcilable factual position
taken by the respective parties, WPA 14057 of 2024
stands disposed of by directing the concerned
Pradhan, being the respondent Nos. 5 and 6 and

disposed of the representation dated 6th May, 2024 within a period of six weeks from the date of communication of this order to the said respondent and after giving a right of hearing to all the affected parties, in accordance with law and without being influenced by any observation 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 Nos. 5 and 6 in accordance with law.

There shall be no order as to costs.

Since affidavits have not been invited, the allegations made in the writ petition are deemed not to have been admitted.

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.)