

D/L.07.
November 27, 2024.
KAUSHIK

WPA No. 14278 of 2024

Asit Halder & Anr.
Vs.
The State of West Bengal and Others

Ms. Salma Sultana Shah
Mr. Sani Hossain
Mr. Miraj Hossain

... for the petitioner.

Mr. Jayanta Kumar Mondal
Mr. Sayantan Rakshit

... for the respondent nos. 7 to 10.

Mr. Prasanta Kumar Giri

...for the State.

None appears on behalf of the State
Respondents nor is any adjournment prayed for
on their behalf.

In view of non-appearance of the State,
Mr. Prasanta Kumar Giri, Advocate, who usually
appears on behalf of the State, is requested to
appear in this matter on behalf of the State.

The appointment of Mr. Giri be
regularuized by the Legal Remembrancer.

The petitioner is directed to serve a copy
of this writ petition upon the learned Advocate for
the State within the course of this day.

The grievance of the petitioners is directed
against an alleged illegal and unauthorized

construction undertaken by the private respondent.

It is submitted by the petitioner that despite representation dated November 27, 2023 to the concerned Pradhan being the respondent no. 6, the respondent no. 6 has deliberately failed and neglected to dispose of the said representation.

It is alleged on behalf of the petitioner that the premises over which unauthorized and illegal construction has taken place is undivided and undemarcated and the private respondent has no right whatsoever.

It is submitted by the private respondent that a civil suit between the parties is pending wherein an order of status quo has been passed only in respect of 'Schedule-B' property. Furthermore, there is a family settlement which also binds the petitioners. In any event the petitioner has an adequate efficacious remedy available under Order 39 Rule 2A of the Code of Civil Procedure, 1908 in case there is a violation of the order of status quo.

The State respondents are represented and submit that they have no objection if the respondent no. 6 is directed to consider and dispose of the representation of the petitioner dated November 27, 2023 in accordance with law.

In view of the fact that the representation was filed as far back as on November 27, 2023 and has not yet been disposed of, WPA 14278 of 2024 is disposed of by directing the respondent no. 6 to consider and dispose of the representation of the petitioners dated November 27, 2023 within a period of six weeks from the date of communication of this order to the said respondent after giving a right of hearing to the affected parties including the petitioners, in accordance with law and without being influenced by any observation or direction 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. 6 in accordance with law.

The respondent no. 6 will take into consideration all the points raised by the private respondent including obtaining of a sanction plan.

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

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.)