

06.06.2024
Ct. No. 5
Sl. No. 6
KB/Subho

WPA 15049 of 2024

Debasish Halder
Vs.
State of West Bengal & Ors.

Mr. Zeeshanuz Zaman
... For the petitioner

Mr. Jayanta Samanta
Mr. Bipin Ghosh
... For the State.

Mr. Soumen Bhattacharjee
Mr. Debabrata Chakraborty
Mr. Doyel Dey
... For the respondent nos. 8 to 11.

Mr. Zeeshanuz Zaman, learned counsel appearing for the petitioner drawing attention to a representation dated **May 22, 2024(Annexure-P-2)** at **page 13** to the writ petition submits that the petitioner has alleged that an unauthorised and illegal construction has been carried out at the subject premises mentioned in the said representation.

The representation was submitted before the respondent no.7 but till date the same has not yet received any attention of the respondent no.7.

Mr. Jayanta Samanta, learned counsel appears for the state respondents.

Mr. Soumen Bhattacharjee, learned counsel appears for respondent nos.8 to 11.

The allegation is that the respondent nos. 8 to 11 had carried out the illegal construction.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no.7 is directed upon issuing a prior notice of at least seven days to the petitioner and the respondent nos. 8 to 11 to decide representation dated **May 22, 2024** after affording an opportunity of hearing to them and by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner.

The parties who shall be attending the hearing before the respondent no.7 shall be free to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.7 positively within a period of six weeks from the date of communication of this order.

The respondent no. 7 then shall communicate the reasoned order to the parties positively within a

period of two weeks from the date of the said reasoned order to be passed.

It is made clear that 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 law.

In the event reasoned order shows the constructions are illegal and unauthorised, the respondent no. **3, 7** and/or any of the jurisdictional panchayat authority shall take steps and ensure for demolition and removal of the illegal and unauthorised construction at the subject premises in accordance with law positively within a period of three weeks from the date of communication of the said reasoned order to the parties.

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

On the above terms, this writ petition **WPA 15049 of 2024** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)