

D/L.09.
December 03, 2024.
KAUSHIK

WPA No. 14367 of 2023

Biswanath Mandal
Vs.
The State of West Bengal and Others

Mr. Tanmoy Chowdhury
Ms. Rito0prita Ghosh
... for the petitioner.

Mr. Uday Shankar Chattopadhyay
Ms. Trisha Rakshit
... for the respondent no. 4.

Mr. Pinaki Dhole
Ms. Dipa Bhattacharya
... for the State.

The grievance of the petitioner is directed against wrongful and arbitrary cancellation of a building plan dated 31 October 2019 in favour of the petitioner.

It is submitted on behalf of the petitioner that the said permission though valid for two years from October 31, 2019, has been whimsically and arbitrarily withdrawn at the behest of the private respondent, who is the brother of the petitioner.

It is further submitted on behalf of the petitioner that there has been no encroachment whatsoever and the private respondent has instigated the erstwhile 'Pradhan' to cancel the building plan for ulterior and collateral purposes.

The State is represented and submits that they have no role to play in the matter.

The Pradhan is also represented and submits that the erstwhile Pradhan had taken the impugned decision and the present Pradhan has no role to play in the same.

It is further submitted on behalf of Pradhan that the primary disputes are between two brother and the disputes are purely civil in nature.

Admittedly, the impugned decision dated February 18, 2020 whereby the sanctioned building plan in favour of the petitioner was cancelled has been taken without any notice nor has any opportunity been provided to the petitioner. This fact is unequivocally admitted by the Pradhan.

In view of the above, WPA 14367 of 2023 stands allowed.

The impugned decision dated February 18, 2020 is accordingly quashed.

Liberty is granted to the parties to act in accordance with law and take all necessary steps, if so advised.

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.)