

26.04.2024

Sl.No. 1
Ct.No. 32
Amalranjan

ASSIGNED MATTER

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14393 of 2023

Nakul Chandra Gayen and anr.
Vs.
The State of West Bengal and ors.

Md. Zeeshanuzzaman

...for the petitioners

Mr. Jahar Datta
Ms. Kalpita Paul

...for the State

Affidavit of service filed by the petitioners
is taken on record.

It is submitted by the learned advocate appearing on behalf of the petitioners that the private respondent nos. 8-11 have constructed unauthorised structure over the land which is belongs to the petitioner no. 1, i.e., situated in Mouza –Taranagar, J.L. no. 112, L.R. Khatian No. 5051, LR Dag no. 3473, measuring an area of 31 decimals out of 123 decimals, nature of land –Sali, P.S-Bakultala, District- South 24 Parganas. The names of the petitioners have recorded as L.R.R.O.R.

Despite of the aforesaid facts with regard to the owners and nature of land-Sali, the private respondent nos. 8-11 constructed

structure without conversion of the land or valid sanctioned plan.

As such the petitioners filed this writ application praying for direction upon the respondents and their men and agents to take appropriate steps to demolish the unauthorized structure constructed by the private respondents on the land in question.

However, in spite of service no one appears on behalf of the private respondents.

Learned advocate appearing on behalf of the State respondent nos. 1-6 submitted a status report with regard to the allegations made by the petitioners herein.

Let the said copy of the status report be kept with the record.

On perusal of the report, submitted by the B.L. & L.R.O. Joynagar-II, South 24 Parganas, it appears that both the private respondents as well as the petitioners have constructed the structure over the disputed land without taking any permission for conversion of land from appropriate authority and without any sanctioned plan.

Under such circumstances, respondent no. 3 is directed to take necessary steps with regards to unauthorized construction over the

land in question after affording sufficient opportunity of hearing of both the parties and pass a reasoned order considering the allegations as well as annexure P-3 of the writ petition, i.e., representation made by the petitioners dated 29.5.2023 within 12 weeks from the date of communication of this order along with copy of the writ petition herein and communicate the same to the parties.

In view of the observations made above, the instant writ petition being WPA 14393 of 2023 is, thus, disposed of without order as to costs.

It is made clear that this Court does not enter into the merit of the case, since no affidavits have been called for from the parties.

The respondent no. 3 is directed to act and pass its reasoned order in accordance with law.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)