

S/L 7
03.10.2024
Court. No. 551
Suvayan

WPA 16846 of 2024

**Ranjana Nandi & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Md. Asif Iqbal

...for the petitioners.

*Mr. Swapan Kr. Dutta, Ld. AGP
Mr. Rajat Dutta*

...for the State.

*Mr. Arkadeb Biswas
Mr. Debarati Roy Chowdhury
Mr. Baibhav Roy*

...for the respondent nos. 8 & 9.

1. The receipted copy of the notice dated 27.09.2024 as written by the petitioner no. 3 addressed to the respondent nos. 4 and 5 is taken on record.
2. On behalf of the private respondents an accommodation has been prayed for.
3. Prayer of accommodation is considered and rejected.
4. By filing the instant writ petition the writ petitioners complain illegal construction at R.S. Plot No. 49 (Part), L.R. Plot No. 50 (Part) in Mouza and Police Station – Chandernagore, District – Hooghly at the instance of the private respondents.
5. It is submitted that despite the fact that the respondent authorities have been duly informed by the writ petitioners with regard to such alleged illegal construction, no action has been taken on behalf of the respondent authorities, more specifically by the respondent nos. 4 and 5.

6. Learned Advocate for the private respondents draws attention of this Court that from paragraph nos. 3, 4 and 6 of the instant writ petition it would reveal that the private respondents are the owners of the plot in question and a civil appeal is pending before the appropriate jurisdictional appellate court.

7. It is thus submitted since the writ petitioners have already approached the common law forum and availed the alternative remedy, the instant writ petition is not maintainable.

8. Learned Advocate for the State, however, submits on instruction that the private respondents have constructed a 'Nut Mandir' on the suit plot but it is not within the knowledge of the police authority as to whether such construction is illegal or not.

9. After considering the entire materials as placed before this Court, this Court directs the respondent no. 4, i.e., Commissioner of the Chandannagar Municipal Corporation to treat the copy of the instant writ petition as a representation of the writ petitioners. The respondent no. 4 is further directed to issue notice upon the writ petitioners as well as to the private respondents and thereafter after hearing both of them shall pass a reasoned order and shall communicate such reasoned order both to the writ petitioners as well as to the private respondents forthwith after passing of the said order.

10. It is made clear that the entire exercise that is issuance of notice to the writ petitioners and the private respondents, hearing them, passing of the reasoned order

and the communication thereof shall have to be completed positively by the last day of December, 2024.

11. The time limit as fixed by this Court is peremptory and mandatory.

12. The writ petitioners are also directed to serve a copy of the instant writ petition along with all annexures upon the respondent no. 4 positively within October 8, 2024.

13. Liberty to communicate.

14. The respondent no. 4, i.e., Commissioner of the Chandannagar Municipal Corporation is directed to act on the server copy of this order.

15. It is, however, made clear that since no affidavit has been called for the allegation as made in the writ petition is deemed to have been denied.

16. With the aforementioned observations, the instant writ petition being **WPA 16846 of 2024** is hereby disposed of.

17. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)