

09.07.2024
Item No. 16
PG/S. Banerjee
Ct. No.1

**R.V.W. 160 of 2023
With
I.A. No. CAN 1 of 2023
In
W.P.A. 641 of 2022

Sk. Golam Mahinuddin
Versus
State of West Bengal & Ors.**

Mr. Indrajit Bhattacharjee.....for the review applicant

Mr. Suddhadev Adak.....for the respondent/
Ms. Richa Pramanick writ petitioner

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das.....for the respondent no. 9

1. This review application has been filed by the 9th respondent in the writ petition being W.P.A. 641 of 2022. It is admitted by the applicant that though notice was served on the applicant in the writ petition, she did not appear when the matter was heard on 8th June, 2023, on which date the writ petition stood disposed of by issuing the following directions:

“9. In view thereof, since the construction was put up by the 9th respondent without any sanctioned plan and the direction of the Howrah Zilla Parishad in the order dated 18.11.2022 was not complied with by the 9th respondent, we direct the District Engineer, Howrah Zilla Parishad, being the added respondent no. 11 to this writ petition to take steps to demolish the unauthorized construction put up by the 9th respondent within a period of four weeks from the date of receipt of a server copy of this order. In so far as the construction put up by the 10th respondent is concerned, the Zilla Parishad will be free to take steps in accordance with law, in

case the Zilla Parishad is of the opinion that the same is unauthorized one.”

2. The applicant's case is that he has a sanctioned plan but it has been issued by the Panchayat Samity, which the applicant admits that it is not the competent authority as the competent authority is the Howrah Zilla Parishad.
3. If that be the case, the said sanction granted by the Panchayat Samity is invalid and the applicant cannot take any advantage of the same.
4. The learned advocate for the writ petitioner submits that the construction has been put up by the applicant/9th respondent in the writ petition on a road, blocking the passage and in case of emergency, an ambulance or a fire engine cannot enter. It is submitted that this is the same case for the 10th respondent in the writ petition as well.
5. In any event, the applicant has given a representation to the Howrah Zilla Parishad on 7th July, 2023. We direct that before complying with the direction issued in the order dated 8th June, 2023 in W.P.A. 641 of 2022, as quoted above, one opportunity shall be granted to the applicant to go before the authority and after notice to the applicant, an inspection shall be conducted of the entire area in the presence of the applicant, 10th respondent in the writ petition and all other concerns

and thereafter steps be taken to implement the directions issued in the writ petition.

6. With the above observations/directions, the review application is disposed of.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)