

M/L.107.
November 07, 2024.
KAUSHIK

WPA No. 16916 of 2023

Tushar Kanti Ghosh
Vs.
The State of West Bengal and Others

Mr. Lutful Hoque,
Mr. Gazi Faruk Hossain,
Ms. V. Roy,
Ms. T. Khatun

... for the petitioner.

Mr. Manabendra Thakur,
Mr. Swarup Kumar Ghosh,

...for the private respondent.

Mr. Sadhan Kumar Halder,
Mr. Sayan Dutta,

...for the State.

The grievance of the petitioner is directed against a notice dated March 17, 2023 issued by the Pradhan being the respondent no. 7 whereby the petitioner has been denied the right to make any construction in respect of the subject premises. The basis of the impugned notice is that the private respondents were enjoying an *ad interim* order of injunction in T.S. No. 72 of 2023 pending before the Civil Judge, 1st Court, Arambagh, Hooghly.

It is an admitted position that by an order dated June 12, 2023 passed by the Civil Judge

(Junior Division), 1st Court, Arambagh, Hooghly, the above order of injunction has been vacated and the interlocutory application stood dismissed. Admittedly, there is a connected appeal against the said order, which is pending before the Appropriate Court.

In view of the fact that the entire basis of the impugned notice i.e. the order of injunction dated March 17, 2023 has been vacated, the same cannot form the basis of any prohibition or embargo on the petitioner.

In such view of the matter, WPA 16916 of 2023 stands disposed of by directing the respondent no. 6 to reconsider the application for construction of the petitioner in accordance with law in view of the subsequent facts and the order dated June 12, 2023 passed by the Civil Judge (Junior Division), 1st Court, Arambagh, Hooghly. The above exercise is to be completed within 4 (four) weeks from the date of receipt of the representation afresh.

With the above directions, WPA 16916 of 2023 stands disposed of.

Liberty is granted to the petitioner to seek fresh permission for construction from the Appropriate Authority.

Liberty is granted to the private respondents to take necessary steps in the

pending proceeding before the Land Reforms
Tenancy Tribunal.

(Ravi Krishan Kapur, J.)