

Sl. No.132.
13.09.2024
Suman
Ct. 15

WPA 16921 of 2023
With
CAN 1 of 2024

Tapan Paria
Vs.
The State of West Bengal and Ors.

Mr. L. N. Bhattacharya
Mr. Rajib Kumar Acharyya
Mr. Banshi Badan Maity
..for the petitioner

Ms. Noelle Banerjee
Ms. Sujata Mukherjee
..for the State

Re: **CAN 1 of 2024**

This is an application for restoration.

Having regard to the averments made in paragraphs 4 to 6 of this restoration application, I am of the view that the petitioner has sufficiently explained the reason for his non-appearance before this Court on April 2, 2024.

Accordingly, **CAN 1 of 2024** stands allowed and **WPA 16921 of 2023** is restored to its file and number.

Re: **WPA 16921 of 2023**

Let the affidavit of service filed by the petitioner be kept with the records.

The petitioner alleges unauthorised construction at the behest of respondent nos.7 to 11 by encroaching

a part of plot no.274, Khatian no.1826, J.L. No.6, Mouza-Barnan, Purba Medinipur under Shantipur-II Gram Panchayat. The petitioner claims to be the owner of the said plot.

The petitioner alleges that the said respondents are carrying out construction of a building without any sanctioned plan from the Panchayat. He further submits that though he has made a representation before respondent no.4, no steps have been taken by the said authority regarding the unauthorised construction.

In that view of the matter, I dispose of this writ petition with a direction upon the Sub-Divisional Officer, Tamluk to consider the representation dated May 17, 2023, appearing at page 17 of the writ petition within a period of three months from the date of this order.

In arriving at his decision, the Sub-Divisional Officer, Tamluk shall hear all concerned and pass a reasoned order.

Accordingly, **WPA 16921 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)