

14.02.2025

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Ct. no.39

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**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**W.P.A. 17951 of 2024  
With  
C.A.N. 1 of 2025**

**Surojit Mahapatra  
-Vs-  
The State of West Bengal & ors.**

Mr. Arka Maiti  
Ms. Saloni Bhattacharjee  
Ms. Gulsanwara Pervin  
... for the applicant-petitioner

Mr. Avirup Mondal  
Mr. Siddique Mallick  
... for the State-respondent

Mr. Satyajit Talukdar  
Mr. Arindam Chatterjee  
... for respondent no.3-KMDA

Mr. Suman Basu (through virtual mode)  
... for the respondent no.4

Affidavit of service filed on behalf of the petitioner is  
taken on record.

**Re : CAN 1 of 2025**

This is an application for restoration of the writ  
petition by recalling the order dated 23<sup>rd</sup> December, 2024.

By order dated 23<sup>rd</sup> December, 2024, the writ  
petition being WPA 17951 of 2024 was dismissed for  
default.

Mr. Arka Maiti, learned Advocate appearing on  
behalf of the applicant-petitioner submits that since the

learned Advocate failed to follow the display board on 23<sup>rd</sup> December, 2024 and the matter when called on remained unattended, for which the writ petition was dismissed for default. He seeks for restoration of the writ petition.

Learned Advocates for the State-respondent, respondent no.3-KMDA and respondent no.4 leave the matter to the discretion of the Court.

Considering the submissions advanced on behalf of the petitioner and on going through the averments made in the application, it is found that cause shown is sufficient.

Accordingly, order dated 23<sup>rd</sup> December, 2024 is recalled.

The writ petition being **WPA 17951 of 2024** is restored to its original file and number.

The application being **CAN 1 of 2025** stands disposed of.

**Re : W.P.A. 17951 of 2024**

This writ petition has been filed seeking for an order for demolition of construction in plot of land measuring 5 kathas 7 chhitacks 3 square feet comprised within R.S. Dag No.318 under L.R. Khatian No.2846, j2849, 2844 and 2848 of Mouza Khordabahera, J.L. No.6 within Nabagram Gram Panchayat under Police Station Uttarpara, District Hooghly.

Mr. Arka Maiti, learned Advocate appearing on behalf of the petitioner submits that the private

respondents have undertaken illegal construction over the plot of land-in-question. Alleging of such illegal construction the petitioner made a representation before the Chairperson of Hooghly Zilla Parishad on 17<sup>th</sup> May, 2024 which has not been disposed of as yet. He seeks for consideration and disposal of such representation by the respondent no.4, Hooghly Zilla Parishad.

Mr. Suman Basu, learned Advocate for the respondent no.4, Hooghly Zilla Parishad appearing through virtual mode, submits that the matter may be relegated to the Hooghly Zilla Parishad to consider the representation of the petitioner dated 17<sup>th</sup> May, 2024.

Learned Advocates for the State-respondent as well as learned advocate for respondent no.3-KMDA also submit in the similar fashion.

In view of submissions advanced at the Bar, the respondent no.4, the Hooghly Zilla Parishad is directed to consider and dispose of the representation of the petitioner dated 17<sup>th</sup> May, 2024 (at page 46 annexure P7 to the writ petition) by passing a reasoned order after giving opportunity of hearing to all the interested parties including the petitioner within a period of six weeks from the date of communication of this order.

The reasoned order shall be communicated to the petitioner within a period of one week from the date of passing of such reasoned order.

The petitioner is directed to communicate this order to respondent no.4, the Hooghly Zilla Parishad along with copy of the representation dated 17<sup>th</sup> May, 2024.

Since affidavits have not been called for, the allegations made in the writ petition are deemed to be not admitted.

It is made clear that this Court has not gone into the merits of the application.

With the aforesaid directions, the writ petition being **WPA 17951 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

( **Bivas Pattanayak, J.**)