

7.08.2024  
Ct. No. 2  
SL- 2  
tbsr

**WPA 20083 of 2024**

**Sanat Kumar Hait & Anr.  
Vs.  
The State of West Bengal & Ors.**

Mr. Anindya Bose  
Mr. Santanu Maji  
Mr. S. Das  
Mr. Debodipto Banerjee  
....for the petitioners

Mr. Soumitra Bandyopadhyay  
Mr. Priyabrata Batabyal  
....for the State

On the urgency pleaded on behalf of the petitioners and in view of the determination being assigned before this Court today, this writ petition has been taken up for consideration by publishing the same in the supplementary list.

Affidavit of service filed in Court today, is taken on record.

Mr. Anindya Bose, learned counsel appears for the petitioners.

Mr. Soumitra Bandyopadhyay, learned State counsel appears for respondent nos. 1, and 4 to 6.

The rest of the respondents including the Pradhan of the concerned Panchayat and the private respondent are not represented.

This is in effect a follow up writ petition after the Co-ordinate Bench has passed its order on **April 9,**

**2024** in a previous writ petition, **WPA 29020 of 2023** at page **51** to the writ petition at the instance of the private respondent no. 7.

Through this writ petition, the petitioners have impugned a notice dated **July 31, 2024, Annexure P-7 at page 55** to the writ petition issued by the respondent no. 3 directing the petitioners to remove the unauthorized construction on the subject land as the plan which was sanctioned, was subsequently cancelled by the Panchayat concerned.

From a perusal of the averments made in the writ petition and from the reliefs claimed therein, it appears that, the petitioners have not challenged the decision of the Panchayat for cancellation of the sanctioned plan. The said impugned notice dated July 31, 2024 is consequential effect of such cancellation of building plan.

In view of the above, this Court finds that, this writ petition is totally baseless and without any merit.

Accordingly, this writ petition, **WPA 20083 of 2024** stands **dismissed**, without any order as to costs.

However, the respondent no. 3 shall immediately provide the decision for cancellation of sanctioned plan to the petitioner positively within a period of **one week** from the date of communication of

this order, if such decision is not already communicated to the petitioners.

After being communicated with the said decision of the Panchayat, the petitioners shall be at liberty to avail of their remedy in accordance with law.

It is made clear that, this Court has not gone into the merits of the writ petition. In the event, the petitioners take further recourse to any legal remedy, all points shall be kept open for the petitioners.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Aniruddha Roy, J.)**