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28.11.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 22289 of 2024

Mahadeb Halder
Vs.
The State of West Bengal & Ors.

Mr. Saumen Gayen,
Mr. Sandipan Maity
...for the petitioner

Mr. Bishnupada Dutta,
Mr. Bishnupada Dutta,
Ms. Puja Naskar,
Ms. Payel Khanra
...for the respondent no. 7

Affidavit of Service filed today by the petitioner
be kept with the records.

The grievance of the petitioner is directed
against the alleged illegal and unauthorized
construction by the private respondent. It is
submitted by the petitioner that on a representation
made under the Right to Information Act, the
concerned Pradhan has duly communicated that
there is no lawful or sanctioned plan, which has
been obtained by the private respondent.

Admittedly, there is no further step, which has
been taken by the petitioner. The Pradhan has also
taken no action in the matter.

In view of the above, the instant writ petition is
premature. There is no cause of action, which the
petitioner or the Pradhan can have at this stage.

Accordingly, W.P.A. No. 22289 of 2024 stands disposed of by granting liberty to both the petitioner and the Pradhan, Dakshin Barasat Gram Panchayat, being the respondent no. 7 herein, to take necessary steps in accordance with law, if so advised.

It is made clear there has been no adjudication on the merits of the case and the concerned Pradhan is to act strictly in accordance with law after giving a right of hearing to all the affected parties including the private respondent.

The above exercise is to be completed by the Pradhan, Dadkhin Barasat Gram Panchayat, being the respondent no. 7 herein, within a period of six weeks from the date of communication of this order to the said respondent.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)