

688
19.03.2024
Ct. No.10
b.das

WPA 22377 of 2023

Arindam Roy & Ors.

Vs.

The State of W. B. & Ors.

Mr. Debabrata Sardar ...for the petitioner.

Mr. Satyajit Talukdar

Ms. Rutika Verma ...for KMDA.

Mr. Soumitra Bandyopadhyay

Mr. Priyabrata Batabyal ...for the State.

Mr. Tanweer J. Mandal

Ms. Somashree Dey

Ms. T. Pervin ...for respondent no.13.

Affidavit of service filed by the petitioners is taken on record.

None appears for the Kolkata Municipal Corporation and the private respondents except respondent no.13 despite service.

On prayer of the petitioners liberty is granted to correct the cause title of the writ petition by recording the correct designation of the 4th and 6th respondents therein.

Heard learned counsels for the parties.

The petitioners are aggrieved by the final statement prepared on 16th December, 2022 by the competent authority upon physical verification of the ponds in question in terms of the order passed by this Court on April 21, 2022 in WPA 12839 of 2021.

The petitioners submitted an objection in this regard before the concerned authority for rectification of the final statement, pursuant to which notice of hearing was served upon the petitioners and the petitioners were heard. No further communication has been made to the petitioners in this regard. Learned counsel for the petitioners seeks a direction upon the authority to consider and dispose of the objection upon granting further opportunity of hearing to the petitioners.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the objection filed by the petitioners before the concerned authority is pending, the concerned authority, being the 3rd respondent herein, be directed to consider and dispose of the objection within two months from the date of communication of this order, upon affording reasonable opportunity of hearing to all concerned including the petitioners and the private respondents, in accordance with law.

On prayer of the learned counsel for private respondent no.13 liberty is granted to file a separate objection before the authority, which will also be considered by the authority at the time of hearing.

With the above observations and directions the writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)