

04.01.2024

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PG/KS

Ct. No.1

W.P.A.(P) 541 of 2023
With
IA No. CAN 1 of 2024
Jyotirmoy Paul
Vs.
The State of West Bengal & Ors.

Mr. Tarunjyoti Tewari
Mr. Aniruddha Tewari
.....for the Petitioner
Mr. Samrat Sen, Ld. AAAG
.....for the State
Mr. Partha Pratim Roy
Mr. Ankit Chatterjee
.....for the applicant
Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
.....for the respondent nos.2 & 3

1. The petitioner has filed this writ petition alleging that a playground has been converted and a construction is being put up. Affidavit was called for and the respondent nos.2 and 3 have filed their affidavits enclosing various annexures including a site plan.
2. From the site plan, it is seen that the proposed construction is a community hall, which is in the north west corner of the plot in question.
3. There will be a direction to ensure that the community hall shall be constructed in such a manner that the total land area is preserved as much as possible. In other words, let the community hall be restricted to a minimum size depending upon the usage.

4. We are also informed that there is also a civil suit pending and there is a private dispute between the parties.
5. In the light of the above, the above observations would suffice to dispose of this writ petition. The interim order stands vacated.
6. Accordingly, the writ petition along with the connected application stand disposed of.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)