

28.10.2024
Court No.7
Item No.4
AP/akd

WPA 26026 of 2024

Mintu Gazi and Anr.

Vs.

The State of West Bengal and Ors.

Mr. Md. Zeeshanuz Zaman

...For the Petitioners.

Mr. Santanu Kr. Mitra

Ms. Sangeeta Roy

Mr. Amartya Pal

...For the State.

1. Affidavit of service filed on behalf of the petitioners is taken on record.

2. Mr. Santanu Kr. Mitra, learned counsel appears on behalf of the State respondents.

3. It is the allegation of the present petitioners that the private respondents are constructing an illegal construction over the disputed plots of land. He submitted a specific representation with the authority but the authority has not taken any steps.

4. Having heard the learned counsel for the parties and considering the representation being 'Annexure P-2', the instant writ petition is disposed of with a direction upon the concerned authority being respondent No.7 (Pradhan, Taldi Gram Panchayat) to issue a notice within a fortnight from receiving of the instant order upon the petitioners and the private respondents for conducting a hearing. The said hearing must be concluded within six weeks from date.

5. The respondent No.7 is further directed to pass a reasoned order upon giving appropriate opportunity being heard to the parties.

6. The parties who shall be attending the hearing before the respondent No.7 shall be free to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon.

7. After hearing the parties, the respondent No.7 shall communicate the reasoned order to the parties within a fortnight positively.

8. I make it clear that this Court has not gone into the merits of the claim of the petitioners in any manner whatsoever.

9. As the affidavits are not exchanged, the allegations contained in the writ petition be deemed not to have been admitted by the parties.

10. I make it clear that this order shall not create any right or equity in favour of the petitioners. The petitioners are at liberty to approach the appropriate authority, if necessary, in accordance with law.

11. There shall be no order as to costs.

12. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Subhendu Samanta, J.)