

21.01.2025
Item Nos.15-16
gd/ssd

CPAN/1580/2024
KAZI PARVEJ AHMED AND ANR.
VS
SUBASHINI E, THE SUB DIVISIONAL OFFICER,
ARAMBAGH SUBDIVISION
in
WPA(P)/161/2024
KAZI PARVEJ AHMED AND ANR.
VS
STATE OF WEST BENGAL AND ORS.
wIth
RVW/249/2024
KAJI ASIB @ KAJI ASIB UDDIN
VS
KAJI PARVEJ AHMED AND ORS.
IA NO: CAN/1/2025, CAN/2/2025

Mr. Meghnad Dutta,
Mr. Abhishek Shah
..for the Petitioners.

Mr. Dipanjan Datta,
Ms. Sukanya Datta
..for the alleged Contemnor.

Mr. Kaustav Banerjee,
Ms. Ria Kundu
..for the Review Applicant.

Re: RVW 249 of 2024

1. This review application has been filed to review the order and direction issued in WPA(P) 161 of 2024 dated 18.4.2024.

2. The review applicant was impleaded as the 7th respondent in the writ petition.

3. While disposing of the writ petition the court did not enter into the merits of the matter and, therefore, the review applicant cannot be stated to be aggrieved by the direction issued which was only to

direct the authorities to consider the representation. In fact, the Sub-Divisional Officer was directed by the District Magistrate to go into the matter and, therefore, the review applicant is precluded from contending that the Sub-Divisional Officer does not have jurisdiction since he has been authorized by the District Magistrate to initiate necessary action and submit the action taken report to the District Magistrate.

4. The review applicant submits that the writ petition is not a genuine public interest litigation and there are several cases against him.

5. Even assuming without admitting that such submission is correct, that cannot be a ground for the authorities not to take action as and when it comes to the notice about any unauthorized construction. In fact, it is the authorities who have to keep vigil of the area and they are empowered to take action by themselves without waiting for any representation or court orders.

6. Since we have heard the learned advocates for the parties on the review application, the delay in filing the review application is condoned.

7. However, we are not inclined to entertain the review application to review the order and direction issued in the writ petition.

8. Accordingly, the review application is dismissed.

Re: CPAN 1580 of 2024

9. We have heard the learned advocates for either of the parties.

10. The Sub-Divisional Officer is directed to proceed with the enquiry and pass final orders.

11. The 7th respondent had filed the review application in RVW 249 of 2024 to review the order and direction issued in the writ petition which was dismissed by order dated 21.1.2025.

12. The learned Government counsel submits that the authorities have initiated action and the Sub-Divisional Officer is seized of the matter.

13. However, the matter is kept in abeyance because the review application is pending.

14. Now, the review application is dismissed, the Sub-Divisional Officer is directed to proceed in terms of the directions issued in the order dated 18.4.2024 in WPA(P) 161 of 2024.

15. Issue notice to the writ petitioner as well as the 7th respondent and take action in accordance with law within a period of eight weeks from the date of receipt of server copy of this order.

16. Leave is granted to remove the defect.

17. We have heard the learned Government counsel for the official respondents to the review application and his appearance may be regularized.

18. It is made clear that the 8th respondent in this contempt application, who was the 7th respondent in the writ petition, is at liberty to canvass all issues both factual and legal before the concerned authorities.

19. Accordingly, the contempt application stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)