

28.02.2025

Sl. No.: 35
Court No.30
BM

WPA 22739 of 2019

Lakshmi Kanta Laha

Vs.

State of West Bengal & Ors.

Mr. P. Chaturbedi, Sr. Adv.

Mr. Subhasish Pachal

Mr. Arjun Kumar Samal

... for the petitioner

Mr. Ziaul Islam

Mr. Abdus Salam

... for the State

Mr. Mekhla Sinha

Mr. Malabika Roy Dey

... for the Howrah Zilla Parishad

Mr. Sanjib Dawn

... for the respondent nos. 14 & 15

1. Affidavit of service filed be kept with the record.

2. The present writ application has been preferred praying for direction upon the respondent no.3 to take step or steps for demolition of the illegal, unlawful and unauthorised constructed building made by the private respondent on Plot No.845 of Mouza-Khantora under Domjur Police Station, District-Howrah in view of the letter dated 11th November, 2019.

3. It is the contention of the petitioner that the land on which the construction has been made has not been converted from Non-Basu land to Bastu land and as such, the plan which has been sanctioned after expiry of the term of the plan is also

not in accordance with law. The power of Zilla Parishad has also been challenged regarding the extent to which they are empowered to grant such plan.

4. Considering all these facts and the materials on record and also the dispute in the present case, the writ application is disposed of with liberty to the petitioner to file an appropriate representation before the District Magistrate, Howrah who shall then appoint a Competent Officer as deemed fit to decide the issue in the present case in accordance with law on giving a proper hearing to all the stake holders.

5. Learned counsels appearing in the present case are at liberty to produce documents produced before this court, before the concerned authority, who shall also consider the same.

6. It is made clear that this court has not gone into the merit of the case, which shall be decided by said the authority as directed.

7. With the aforesaid directions the writ application stands disposed of.

8. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)