

M/L.55.
January 15, 2025.
KAUSHIK

WPA No. 28931 of 2024

Josef Ali Khan
Vs.
The State of West Bengal and Others

Mr. Amal Krishna Samanta
Mr. Subhas Jana
... for the petitioner.

Mr. Amal Kumar Sen, learned AGP
Ms. Ashima Das
... for the State.

Affidavit of Service filed in Court be taken
on record.

The grievance of the petitioners is directed
against non-consideration of a representation
dated September 20, 2024 complaining of alleged
illegal and unauthorized construction.

It is submitted on behalf of the petitioner
that despite receipt of such representation, the
concerned Pradhan being the respondent no. 5
had failed to take any action in this matter.

The State is represented and submits that
a Report filed by the concerned Pradhan
suggests that appropriate 'stop construction'
notice has been directed by the respondent no. 5
in view of the unlawful and illegal construction,
which is being carried out by the private
respondent.

In view of the above, WPA 28931 of 2024 is disposed of by directing the respondent no. 5 to consider and dispose of the representation of the petitioners dated September 20, 2024 within a period of six weeks from the date of communication of this order to the said respondent and after giving a right of hearing to all the affected parties including the petitioners, in accordance with law and without being influenced by any observation made in this order.

It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the respondent no. 5.

The action taken report filed on behalf of the State be kept with the records. A copy of the same is served on the petitioner.

Since no affidavits have been called for, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)