

16.01.2025
Sl. No. M/L 71
g.b.
Court No.10
265717

WPA 29167 of 2024

***Khandaker Abu Musa @ Amanullah
-Vs-
The State of West Bengal & Ors.***

*Mr. Syamal Kumar Das
Ms. Smita Pal
.....For the Petitioner
Mr. Amal Kr. Sen
Ms. Ashima Das (Sil)
.....For the State
Mr. Rofikulhlom Sardar
.....For the Private Respondent No.7*

Affidavit of Service filed in Court be kept with the records.

The grievance of the petitioner is directed against the non-consideration of a representation dated 21st November, 2024.

It is submitted on behalf of the petitioner that by a communication dated 4th October, 2024, the respondent authorities have admitted that no plan had been sanctioned to carry out the impugned construction.

On behalf of the private respondent it is submitted that the premises in which the impugned construction was carried out had been sold to a third party. The private respondent submits that

there is no construction at the subject premises which is adjacent to the land of the petitioner.

On behalf of the State it is submitted that they have no objection if the representation dated 21st November, 2024 is heard and disposed of.

In view of the fact that the representation was filed as far back as on 21st November, 2024 and has not yet been considered, W.P.A No. 29167 of 2024 is disposed of by directing the respondent no.3 to consider and dispose of the representation of the petitioner dated 21st November, 2024 within a period of 8 weeks from the date of communication of this order.

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

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.3 without being influenced by any observation or direction made in this order.

There shall be no order as to costs.

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.)