

16.01.2025
Sl. No. M/L 74
g.b.
Court No.10
265717

WPA 29239 of 2024

Smt. Archana Mal
-Vs-
The State of West Bengal & Ors.

Mr. Sudip Kushari
.....For the Petitioner
Md. Mansoor Alam
Mr. Debasish Chatterjee
.....For the State
Mr. Soumik Ganguli
.....For the Private Respondent

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

The grievance of the petitioner is directed against notices dated 25th June, 2018 and 29th August, 2019 respectively whereby the impugned construction being carried out by the petitioner has been stopped.

It is submitted on behalf of the petitioner that despite having received all clearances and necessary permissions, the Prodhan being the respondent no.2 has without any basis issued the impugned notices.

On behalf of the State respondents it is submitted that there is a civil suit pending between the parties and the disputes raised by the petitioner are purely factual in nature.

The private respondent is represented and submits that the petitioner has no right to carry out any construction whatsoever.

In view of the above, W.P.A No. 29239 of 2024 is disposed of by directing the respondent no.2 to conclude the proceedings initiated by virtue of the impugned notices in accordance with law and after giving a right of hearing to all the parties within a period of eight 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.2 without being influenced by any observation 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.)