

W.P.A. 29601 of 2024

Md. Asique
-Vs.-
The State of West Bengal&Ors.

Mr. Dyutiman Banerjee

....for the petitioner

Ms. Sipra Mazumder

Ms. Prativa Ghatak

...for the State

Mr. Falguni Majhi

...for the respondent nos. 6 & 7

This is the third round of litigation between the parties.

By an earlier order passed in WPA 15861 of 2022 dated 4 December, 2023, the concerned respondent authorities were directed to consider the representation of the petitioner pertaining to unauthorised construction. Significantly, the order categorically directed that the question of title would not be gone into by the concerned respondent authorities.

Pursuant to the above direction by an order dated 20 February, 2024, the concerned State authorities have passed a reasoned order directing no further construction to be done at the subject premises without permission of the competent authority.

It is submitted on behalf of the petitioner that in passing the impugned order, the concerned authority has ignored the mandate of the order dated 4 December, 2023 and has not adverted to the aspect of construction at the subject premises. In this

background, the petitioner prays for setting aside the impugned order and the matter considered afresh by the State-respondent.

On behalf of the State, it is fairly submitted that there is no infirmity nor illegality in the impugned order and the impugned order is a well-reasoned order and also considers the aspect of construction in terms of the earlier order of the Court.

On behalf of the State authorities it is submitted that the order justifies no interference whatsoever. There is a civil suit pending between the parties and the issues sought to be indirectly raised by the petitioner cannot be adjudicated in the summary manner.

The impugned order categorically directs that no further construction will be done at the subject premises without permission of the Competent Authority. The order is reasoned and deals with all the facts and circumstances of the case in terms of the earlier directions of the Court. There is no illegality nor perversity nor contravention of any law which justifies interference with the impugned order. This is a desperate attempt of the petitioner to reopen issues in an indirect and circuitous manner.

In view of the above, WPA 29601 of 2024 stands dismissed.

However, there shall be no order as to costs.

Since affidavits have not been invited, the allegations made in the writ petition are deemed not to have been admitted.

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.)