

WPA 11656 of 2024

Bimal Bag & Ors.
Vs.
The State of W. B. & Ors.

Mr. Kushal Chatterjee
Mr. Subhasish Mitra
Mr. Shibjit Mitra ...for the petitioners.

Mr. Kunal Ganguly ...for the respondent no.9.

Alleging unauthorized construction raised by the private respondent on government plots being plot numbers 4861, 4862 and 4863 the petitioners approached this Court in a writ petition being WPA 8647 of 2023. A report was called for from the Revenue Inspector. On perusal of the report, a co-ordinate Bench of this Court observed that the private respondent was raising construction on plot numbers 4859 and 4860 and not on the government plots as alleged by the petitioners. The writ petition was disposed of.

Subsequently, the petitioners appointed a surveyor who surveyed the plots in question and arrived at a conclusion that construction was being raised in plot no.4863 which is a government plot.

The petitioners approached this Court for recalling the earlier order. Though their prayer was turned down by this Court, they were granted opportunity to proceed in

accordance with law before any forum in view of the subsequent change in circumstances.

The petitioners thereafter submitted a representation before the concerned authority on 8th April, 2024 incorporating the subsequent survey. The representation is yet to be considered. The petitioner seeks consideration of the same.

Denying and disputing the allegation made by the petitioner, learned counsel for the private respondent submits that the private respondent has been raising construction in plot numbers 4859 and 4860 upon obtaining sanctioned plan from the appropriate authority. An independent survey was conducted by the private respondent also. The survey report does not tally with that of the petitioners.

Be that as it may, since the representation submitted by the petitioners before the concerned authority is pending, the Block Development Officer, being the 2nd respondent herein, is directed to consider and dispose of the representation within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners and the private respondent, in accordance with law. In doing so, the 2nd respondent may consider conducting a fresh survey of the plots in question by an independent Revenue Inspector except the one who conducted the earlier survey.

The decision taken by the authority shall be communicated to the parties within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the 2nd respondent shall deal with the representation independently without being influenced by any observation which may have been made in this order.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)