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31.01.2022
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W.P.A. 189 of 2022
(Shri Tapan Das & Anr. vs. State of West Bengal & Ors.)

Mr. Kishore Dutta
Mr. Srijib Chakraborty
Mr. Ajay Singhal
 For the Petitioners
Mr. Subir Saha
Mr. Bikramaditya Ghosh
 For the State
Mr. Raja Saha
Mrs. Arpita Saha
Mr. Sanjay Mukherjee
 For the SJDA
Mr. Ratnanko Banerjee
 For the Respondent No. 7
Mr. Abhratosh Majumder
Mr. Jayjit Chowdhury
Mr. Aditya Mondal
 For the Respondent No. 12

Heard learned counsels for the parties.

There are several factual aspects, which need to
be dealt with.

This Court is of the view that exchange of
affidavits is necessary for proper adjudication of the
matter.

Learned counsel for the State seeks liberty to hold a field inspection in order to verify the actual position of the plot in question.

Let such field inspection be concluded within a week from date.

Respondents are at liberty to file affidavit-in-opposition within three weeks from date. Affidavit-in-reply, if any be filed within a week thereafter.

It is recorded that construction if any, raised by the respondent Nos. 8 to 11 on the plot in question shall not create equity in favour of the said respondents and legality and validity of the said construction shall abide by the result of the writ petition.

Let the matter go out of list for the time being.

The issue of maintainability is kept open.

Liberty to mention.

(Suvra Ghosh, J.)