

Asoke Kumar Paul and ors. Vs. State of West Bengal and ors.

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Court : Kolkata

Decided On : Mar-14-2014

Judge : Dipankar Datta

Appellant : Asoke Kumar Paul and ors.

Respondent : State of West Bengal and ors.

Judgement :

ORDER

SHEET WP No.8 of 2014 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE ASOKE KUMAR PAUL & ORS.Versus STATE OF WEST BENGAL & ORS.BEFORE: The Hon'ble JUSTICE DIPANKAR DATTA
Date : 14th March, 2014.

Appearance : Mr.Bikas Ranjan Bhattacharya, Sr.Adv.Mr.Sarajit Sen, Adv.Mr.Sambhu Nath Sardar, Adv.for the petitioneRs.Mr.Tapan Coomaar Dey, Adv.Mr.Debsoumya Basak, Adv.for the respondent Nos.3 & 4.

Mr.Aniket Mitra, Adv.Mr.Tapas Singha Ray, Adv.for the respondent Nos.5 to 15.

The Court: This writ petition is directed against an order dated 27th September, 2012 of the Assistant Housing Commissioner-I/West Bengal Housing Board.

It has been sought to be conveyed thereby to some of the petitioners that construction of Diya Housing Project, consisting of fifty-four numbers of HIG dwelling units in one number of G + 9 storied building on the Boards land at Karunamoyee, Salt Lake, has faced resistance of local elements and that the project has been deserted.

It is found on perusal of the judgment and order dated 18th November, 2004 passed by this Court on S.A.No.363 of 2003, produced by Mr.Dey, learned advocate for the respondents 3 and 4, that some of the residents of Karunamoyee Housing Project had questioned the decree of permanent injunction obtained by the Board against them and that such appeal had failed.

The Board had the occasion to approach the Civil Court for permanent injunction to restrain the defendants in the suit from interfering with its physical possession of 32 cottahs of land, being the suit property, a part of which was to be utilized for construction of Diya Housing Project.

It is further submitted by Mr.Dey that no appeal was filed challenging the judgment and order dated 18th November, 2004.

By filing this writ petition, the petitioners seek a direction on the Board to proceed with the construction of Diya Housing Project on the Boards land at Karunamoyee upon dealing with the unlawful interference of local elements with strong hands.

I am of the view that to obviate future complications it would be prudent to direct the petitioners to publish two notices, one in a vernacular daily and the other in the English daily The Statesman.

In such notice shall be mentioned the gist of the grievance of the petitioners and the relief that has been claimed in the writ petition, with further indication that anyone desirous of contesting the writ petition, may appear before the Court and do so on 8th April, 2014 when the writ petition shall be listed once again under the heading Court Application, marked top .

Let such notice be published within a week from date.

(DIPANKAR DATTA, J.) akb/

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