

Ct. 08
Item Nos.10
04.09.2020
(suvendu)

**MAT 518 OF 2020
With
CAN 5382 OF 2020
With
CAN 5281 OF 2020**

**Sujan Naskar & Anr.
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Anjan Datta
.....for the Appellants
Mr. Raja Saha
Ms. Tanusri Chanda
.....for the State

The appellants undertake to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video-conference on the basis of such undertaking.

We have perused the order under appeal. We do not wish to comment on the nature of the alleged repairing as claimed by the appellants. We are in agreement with the learned Single Judge that the matter should be decided by the Panchayat authority. It is elementary that to allow or to make any construction or to cause any repair under the garb of new construction flouting the building norms Panchayat is the appropriate authority to decide as

to whether the construction can be allowed. The adjacent owner has raised a complaint which needs to be addressed by the Panchyat authority.

Under such circumstances, we confirm the order passed under appeal. We direct the Panchyat authority to dispose of the representation dated 8th April, 2020 within a period of three weeks from the date of communication of this order.

The appeal and the applications are disposed of.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)