

23,DL,Ct.13
30.09.2020
AJ.

W.P.A. 6634 of 2020
C.A.N. 1 of 2020 (Old C.A.N. 5484 of 2020)
(Through Video Conference)

Biswajit Mondal & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Anirban Das.
.....for the petitioners.
Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty.
...for the State respondents.

Affidavit-of-service filed in Court today be kept with the record. None appears on behalf of the private respondents being respondent nos. 7 to 10 in spite of service.

The petitioners are complaining that the private respondents are executing unauthorized construction over two Cottahs of land comprising in L.R. Dag No. 1318, L.R. Khatian No. 1917/1 at Mouza – Ghuni, J.L. No. 23, Police Station – New Town within Jyangra Hatara No.2 Gram Panchayat, District – North 24-Parganas, Kolkata – 700059.

The petitioners are further complaining that they have submitted a representation to the Prodhan of the concerned Gram Panchayat, being respondent no. 2 herein, alleging such unauthorized construction, but the said respondent is not paying any heed to the said representation of the petitioners.

The respondent no.2, being the controlling authority of building operations in terms of Section 23 of the West Bengal Panchayat Act, 1973 is under obligation to consider the said representation of the petitioners.

W.P.A. 6634 of 2020 is, therefore, disposed of by directing the respondent no.2 to consider the representation of the petitioners dated November 18, 2019 being Annexure 'P-1' to the writ petition by a reasoned order after giving opportunity of being heard to all concerned including respondent nos. 7 to 10.

The petitioners are required to supply a complete copy of the writ petition along with a copy of this order to the respondent no. 2 within a week from date.

The respondent no.2 shall dispose of the said representation within a period of six weeks from the date of receipt of the copy of the writ petition and the copy of this order.

The report of the Inspector-in-Charge, New Town Police Station filed by Ms. Rupsha Chakraborty, learned advocate junior to Mr. Debjit Mukherjee, learned Advocate is taken on record.

The application being C.A.N. 5484 of 2020 is also disposed of accordingly.

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

(Biswajit Basu, J.)