

18.09.2020
04
(PP)

WPA 6796 of 2020
with
IA No: CAN 1 of 2020 (CAN 5755 of 2020)
(Via Video Conference)

Haradhan Dey & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee

....for the petitioners.

Mr. Manoj Malhotra

.....for the State.

The petitioners allege of illegal construction being made by the private respondent. The petitioner says that despite complaint being made to the police authorities and to the concerned Panchayat, no steps have been taken as yet. The petitioners also rely upon a solenama which does not bear any date, but on query, the petitioners say that the same was executed sometimes in July, 2020.

The solenama, whether it is a valid document and can be enforced in law are disputed question of facts. The writ Court cannot enter into this arena.

So far as the complaint said to have been made with the police authorities as to illegal construction is concerned, the advocate for the State submits that the same is also not correct as the complaint only relates to an illegal construction of a drain.

Be that as it may, the writ Court cannot go into all these facts.

The police authorities are directed to enquire into the matter in terms of the complaint said to have been made by the petitioner on 18th August, 2020 and if any illegal construction is found, the police authorities shall immediately take steps to stop the same from being further made and report to the concerned Panchayat for necessary action as permissible in law. The police authorities shall visit the locale within a period of seven days from the date of this order upon notice to the writ petitioners, the private respondent and the concerned Panchayat to record the respective grievances to enable them to come to a prima facie finding as to the nature of construction and its legality.

Nothing further remains to be adjudicated in the writ petition. The writ petition and the connected application are disposed of without any order as to costs.

Since no affidavits have been called for, allegations made in the writ petition are deemed to be not admitted by the respondents.

(Arindam Mukherjee, J.)