

29.01.2021

Ct. No. 24

Item No. 159
pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA No. 1778 of 2021

Pronobesh Pakhira

-vs-

State of West Bengal & Ors.

Mr. Debjit Mukherjee,
Mr. Lakshminath Bhattacharya for the petitioner

Mr. Rajarshi Basu,
Md.K. M. Hossain for the State

The matter is being taken up out of turn as it has been submitted that the private respondents are making construction in an unauthorized manner without obtaining any sanction plan from the Panchayat in such a way that the main entrance of the petitioner is completely blocked.

The petitioner refers to a communication dated 7th January 2021 issued by the Executive Assistant of the Shyampur Gram Panchayat wherefrom it appears that no building plan has been approved in favour of Shibu Prasad Sau, the private respondent no. 14 herein. The allegation of the petitioner is that Shibu Prasad Sau and others are making illegal construction in L.R. Plot No. 736, L.R. Khatian No. 659, Mouza- Narikelbarh.

The petitioner has made a representation before the Pradhan, alleging the aforesaid illegal and unauthorized construction.

None appears on behalf of the private respondents in spite of service.

As it appears that the petitioner has already been ventilated his grievance before the Pradhan of the Gram Panchayat. The Executive Assistant of the Shyampur Gram Panchayat has intimated the petitioner that no plan has been sanctioned in respect of the private respondent for making construction.

Accordingly, the respondent no. 12 herein is directed to take necessary steps to deal with the aforesaid illegal and unauthorized construction strictly in accordance with law after giving an opportunity of hearing to the petitioner and all other necessary parties within a period of twelve weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the parties including the petitioner immediately thereafter.

It is made clear that this court has not gone into the merits of the case and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the information that has been provided by the Executive Assistant of the Shyampur Gram Panchayat on 7th January 2021 and the representation he made to the Pradhan of the Shyampur Gram Panchayat in December

2020 at the time of communication of a copy of this order.

WPA No. 1778 of 2021 is thus disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)