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23.03.2021.
d.p.

**W.P.A 3252 of 2021
(Via Video Conference)**

**Rambhadrapur Kali Mandir
Puja Committee & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Saibal Acharya,
Ms. Krishna Chakraborty.
...For the Petitioners.**

**Ms. Sipra Mazumdar,
Mr. Suprabhat Bhattacharya.
...For the State.**

None appears on behalf of the Gram Panchayat in spite of service. Affidavit of service filed in Court is taken on record.

The grievance of the petitioners is that they were making construction of a Kalimandir in accordance with the plan sanctioned by the Panchayat. All on a sudden the Panchayat served a stop work notice upon the petitioners on 29th November, 2020. The stop work notice does not contain the reasons as to why the petitioners have been directed not to proceed with the work of construction.

As the Panchayat remains unrepresented in Court, accordingly, it is not possible for the Court to decide the issue in question.

The Panchayat is directed to intimate the petitioners the reasons for which they have been directed not to proceed with the construction work. The reasons for not proceeding with the construction work

shall be positively intimated to the petitioners at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The impugned notice, by which the petitioners were directed to stop work, is accordingly set aside.

The petitioners shall however, not be entitled to make any construction in terms of the plan allegedly sanctioned in their favour, till a decision is taken by the Panchayat in this regard.

In the event the Panchayat does not intimate the petitioners the reasons for not proceeding with the construction work, the petitioners shall be entitled to approach the Block Development Officer, Murshidabad by filing representation along with supporting documents, with their prayer for making construction in accordance with the plan sanctioned by the Gram Panchayat.

If the petitioners are required to approach the Block Development Officer, then the said authority shall consider the case of the petitioners and pass necessary order within a period of six weeks from the date of receipt of the representation from the petitioners after giving them an opportunity of hearing.

WPA 3252 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)