

Court No. 24
11.03.2021
(Item No. 105)
(AB)

W.P.A 3267 of 2021

Dr. Nabakumar Maiti
vs
The State of West Bengal & Ors.

Mr. Barun Kumar Samanta
..... for the petitioner

Mr. Uttam Kumar Bhattacharyya
..... for respondent No. 3

Mr. Tulsi Das Maiti
..... for private respondent Nos. 10 & 11

Mr. Ranjit Rajak
..... for the State

The petitioner alleges illegal and unauthorized construction by the private respondents at the L.R. Dag No. 35, Mouza – Mahammadpur, L.R. Khatian No. 785, J.L. No. 119, Block and Police Station - Nandakumar, District – Purba Medinipur without leaving the mandatory side open spaces.

In response to the complaint made by the petitioner, the Pradhan of the Gram Panchayat directed the private respondents to stop construction work. The petitioner alleges that in spite of the aforesaid stop work notice the private respondents continued with the construction work.

The petitioner thereafter approached the Court of the learned Sub-Divisional Magistrate, Tamluk, Purba Medinipur and in connection with the said case the Revenue Inspector, Kumarara Gram Panchayat, Nandakumar filed a report wherein it has been clearly

mentioned that the construction made by the private respondents is illegal and unauthorized. It has also been mentioned that construction has been made over the land of the Public Works Department.

The petitioner prays for demolition of the unauthorized construction.

The learned advocate appearing for the private respondents submits, upon instructions, that the construction is being made in accordance with the plan sanctioned.

From the report of the Revenue Inspector it prima facie, appears that the construction which is being made is not in accordance with the provisions of law.

Accordingly, the instant writ petition is disposed of by directing the Additional Executive Officer of the Purba Medinipur Zilla Parishad, being the respondent No. 4 herein to take a decision with regard to the prayer of the petitioner alleging unauthorized construction by the private respondents, strictly in accordance with law, after affording an opportunity of hearing to both the parties, at the earliest, but positively within a period of five months 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.

The said respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

As it appears that the Revenue Inspector 8 No., Kumarara Gram Panchayat has come to a considered opinion and the Block Land and Land Reforms Officer, Nandakumar has filed a report in connection with MP case no. 275/20 under Section 147 Cr.P.C. confirming unauthorized construction by the private respondents, accordingly the private respondents are restrained from making any further construction in the aforesaid property till a decision is taken by the respondent No. 4 with response to the representation filed by the petitioner.

The Officer-in-charge of the Nandakumar Police Station shall ensure that the restraint order passed herein is strictly complied with by the private respondents.

The petitioner is directed to forward a copy of the representation dated 27.12.2019 and a copy of the report forwarded by the Block Land and Land

Reforms Officer, Nandakumar to the learned Court to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)