

18.03.2021
SL No. 120
Court No.24
(P.M.)

WPA 4327 of 2021

Satya Charan Das
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Byhattacharyya
... for the petitioner

Mr. Molay Bhattacharyya,
Mr. Subhrajyoti Ghosh
... for respondent No. 11

Mr. Suman Sengupta,
Mr. Sanatan Panja
.... For the State.

The petitioner prays for a direction upon the Prodhan of the Kola-I Gram Panchayet for execution of its order communicated to the private respondent by notice dated 5th June, 2017.

By the said notice the private respondent has been notified to break the illegal shed constructed by him and clear the common passage on the Plot No. 408, Mouza Kola (Near cold storage) in terms of the Memo No. 868 dated 2nd June, 2017 issued by the Block Development Officer, Kolaghat Development Block. The petitioner complains that the illegal construction is still standing.

The representation filed by the petitioner praying for demolition of the illegal construction has not been considered by the respondent authority till date.

The learned advocate appearing on behalf of the private respondent submits that no permission is required for

construction of a tin shed and the same is exempted from permission in terms of Rule 19 of the West Bengal Panchayet (Gram Panchayet Administration) Rules 2004.

The learned advocate for the private respondent candidly submits that no appeal has been preferred against the order directing the demolition of the illegal shed.

The learned advocate for the private respondent submits that the petitioner has approached the Court of the learned Sub Divisional Magistrate, 2nd Court, Tamluk under Section 147 of the Code of Criminal Procedure being M.P. Case No. 216 of 2017.

The learned advocate for the petitioner submits that the aforesaid case has already been disposed of by the learned Court below.

Be that as it may, as it appears that the order of the Prodhan of Kola I Gram Panchayet has not been appealed against before a superior forum, as such the said order has attained finality and the Prodhan Kola I Gram Panchayet is duty bound to execute the same.

As it appears that the order passed by the Prodhan in terms of the order of the Block Development Officer and has not been executed till date, accordingly, necessary step shall be taken by the Prodhan, Kola-I Gram Panchayet to implement the order communicated to the private respondent by notice dated 5th June, 2017, strictly in accordance with law, at the earliest, but positively within a

period of twelve weeks from the date of communication of a copy of this order.

WPA 4327 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.)