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09.04.2021.
d.p.

**W.P.A 2848 of 2020
(Via Video Conference)**

**Narayan Maji
-versus
The State of West Bengal & Ors.**

**Mr. Mukteswar Maity.
...For the Petitioner.**

Affidavit-of-service filed in Court today is taken on record.

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

The petitioner complains that the private respondents have made unauthorized construction by obstructing the Nasi Khal under Chaksimulia Gram Panchayat. The petitioner lodged a complaint before the respondent authorities.

The Block Development Officer by a communicating Memo No. 1380 dated 25th July, 2019 requested the Pradhan to take necessary action as per the Panchayat Act immediately. It was categorically mentioned in the said letter that on field visit it has been found that a portion of the Nasi Khal has been developed and an illegal construction been constructed by Sudarshan Middya son of Bishnupada Middya and Tapan Middya son of Sudarshan Middya. It was also found that the construction on the site was obstructing the water flow of the Nasi Khal. The construction has been made without proper permission from the respective authority.

The Panchayat by a resolution dated 22nd August, 2019 resolved to demolish the unauthorized construction.

The Sub-Divisional Officer, Tamluk, Purba Medinipur by a further communicating Memo No. 431/SC/ST/OBC dated 6th September, 2019 requested the Block Development Officer, Nandakumar Development Block to take necessary action in the matter and to send an action taken report at the earliest.

The petitioner complains that in spite of all efforts, the unauthorized construction has not been removed till date.

It has been submitted that in view of obstruction of the Nasi Khal, the sewerage water cannot flow through the said canal and the same is causing over flowing of the foul water in an around the area.

As it appears that a field enquiry has been conducted by the Office of the Block Development Officer and it has been found that an illegal construction exists over the Nasi Khal, accordingly, it will be appropriate to direct the District Panchayat Officer, Purba Medinipur being the respondent No.4 herein to take immediate steps to remove the unauthorized construction over the Nasi Khal at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall take necessary steps in the matter in accordance with law after giving an opportunity of hearing to all the necessary parties.

WPA 2848 of 2020 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.)