

26.07.2021  
Court No. 19  
Item no.06  
CP

WPA 9117 of 2021

Rathin Kumar Pal & ors.  
Vs.  
The State of West Bengal & ors.  
  
(via video conference)

Mr. Tulshi Das Ray  
Mr. Tirthankar Bandapadhyay

....for the petitioners.

Mr. Santanu Kumar Mitra  
Mr. Mirza Kamaruddin

....for the State respondents.

Mr. Krishnendu Bhattacharya  
Mr. Pradip Kumar Kundu

....for the respondents 7 to 9.

This writ petition has been filed alleging unauthorized construction by the respondent nos. 7 to 9.

It appears that by a notice dated February 12, 2021, the respondent nos. 7 to 9 were directed by the Pradhan, Karimpur-II Gram Panchayat not to construct in deviation of the building plan.

The petitioners submit that despite such prohibitory order, the respondent nos. 7 to 9 have been continuing with the illegal and unauthorized construction.

Mr. Bhattacharya, learned advocate appearing on behalf of the respondent nos. 7 to 9, submits that the allegations are false and baseless. That the construction has not been carried out in violation of the sanction plan. That the petitioners, on the other hand, have been raising unauthorized construction. That complaints have been lodged by the respondent nos. 7 to 9 against alleged unauthorized construction at the instance of the petitioners, which has not yet been disposed of by the concerned gram panchayat.

Having heard the contentions of the parties, this court is of the view that the competent authority of the Karimpur-II Gram Panchayat should be directed to look into the complaints lodged by the petitioners as also the respondent nos. 7 to 9 with regard to alleged illegal constructions carried on by each of the parties. This court has not gone into the merits and the correctness of the claims of either of the parties.

The panchayat authorities shall cause an inspection on the respective premises in the presence of the parties and, thereafter, dispose of the complaints of the respective parties upon giving a hearing to the parties and/or their representatives. The inspection should be held in the presence of both the parties with respect to the premises in which the allegations of unauthorized construction have been

made by each of the parties. The inspection report should be supplied to all the parties. Thereafter, a reasoned order should be passed and communicated to all the parties.

It is made clear that if the panchayat authorities are of the opinion that illegal constructions are going on at the instance of either the petitioners or the respondent nos. 7 to 9, then appropriate steps under the law shall be taken.

The entire exercise shall be completed within a period of 12 weeks from the date of communication of this order.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

**(Shampa Sarkar, J.)**