

01.12.2021
Court No. 19
Item no.29
CP

WPA 10344 of 2021

Sk. Md. Nasir

Vs.

The State of West Bengal & ors.

Mr. Sanjib Seth

....for the petitioner.

Ms. Manjuli Chaudhuri

...for the respondents 2, 3 and 4.

Despite service, none appears on behalf of the respondent nos. 6 to 13.

The petitioner is aggrieved by non-consideration of the objection raised by the petitioner with regard to the construction of a multi-storeyed building at old Dag No. 814, new Dag No. 793, Mouza-Bankra, J.L. No. 55. That the Howrah Zilla Parishad being the permission granting authority ought to have disposed of the objection of the petitioner in accordance with the provisions of Section 23 of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the said Act). Allegations are of construction without any sanction plan and without leaving the mandatory space between the house of the petitioner the construction which is going on, thereby violating the building rules.

The writ petition is disposed of with a direction upon the competent authority of the Howrah Zilla

Parishad to dispose of the objection of the petitioner in accordance with law.

An inspection shall be made of the premises in question in the presence of the parties. A report shall be prepared and handed over to the parties and thereafter a hearing shall be given to the parties and a reasoned order shall be passed and communicated to all.

Needless to mention that all the issues shall be decided independently and on the basis of what transpires at the hearing and during the inspection. Thereafter, the authority shall proceed in accordance with the provisions of Section 23 of the said Act.

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

As it is alleged that construction is going on, on a day-to-day basis without any plan, interim measures as per law shall be taken in order to ensure no further construction is made except in accordance with law.

The 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.)