

07.09.2021
Court No. 19
Item no.06
CP

WPA 22955 of 2019

Indrajit Mondal
vs.
The District Magistrate and
Collector, North 24-Parganas & ors.

Mr. Subrata Ghosh

....for the petitioner.

Affidavit of service is taken on record.

The writ petition has been filed challenging unauthorized construction by the respondent no. 4. Service upon the respondent no. 4 has come back with the endorsement 'No such person in the address'.

The petitioner alleges that the respondent no. 4 has been raising a construction on the plot which is behind Dag No. 252, Mouza – Rekjoyni pertaining to Khatian No. 429, J.L. No. 13, P.S. – Rajarhat, Dist. – North 24 Parganas. It is the contention of the petitioner that the respondent no. 4 is the developer and is constructing a four-storied building which is in the southern side of the above plot of the petitioner.

Despite service, none appears on behalf of the panchayat authorities. The court has been observing that the panchayat authorities have chosen not to assist the court and stay away from proceedings

especially while dealing with matters of unauthorized construction. The *mala fide* intention of the panchayat authorities in not participating in the court proceedings when inaction of the authorities are being raised by the citizens, is prima facie evident.

As none of the respondents are present before the court, the writ petition is disposed of with a direction upon the petitioner to approach the pradhan of the Rajarhat Bishnupur No. 1, Gram Panchayat by filing a fresh complaint with better particulars upon marking a copy to the concerned Sub-Divisional Officer.

The authorities shall ensure that the said complaint is given its due consideration in accordance with law and steps are taken on the basis thereof, upon hearing the petitioner as also the respondent no. 4 or any person responsible for or interested in the alleged unauthorized construction.

The competent authority of the gram panchayat shall cause an inspection of the premises to be identified by the petitioner and in the presence of the petitioner as also the respondent no. 4. The report of inspection shall be supplied to the parties. Both the parties shall be allowed to make their submissions at a hearing to be held in this regard.

Consequent to such inspection and hearing, a reasoned order shall be passed and communicated to all the parties.

Needless to mention, that the competent authority under the law shall reach such proceeding to its logical conclusion.

The court has not decided the merits of the allegations. The authority shall be at liberty to act and proceed independently.

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

Petitioner is also directed to communicate this order to all the respondents.

The writ petition is, thus, disposed of. There shall be no order as to costs.

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

(Shampa Sarkar, J.)