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04.03.2021.
d.p.

**W.P.A 24061 of 2019
(Via Video Conference)**

**Karabi Adak
-versus
The State of West Bengal & Ors.**

**Mr. Tarapada Halder,
Ms. Debsmita Biswas.
...For the Petitioner.**

**Mr. Tanmoy Mukherjee,
Mr. Kamal Mishra,
Mr. Tamal Taru Panda.
...For the Respondent
No.9.**

The petitioner alleges illegal and unauthorized construction without leaving the side open spaces in Plot No. 183, J.L. No. 186, Mouza-Rupadighi, P.S.- Patashpur, P.O.-Mangalamaro, District- Purba Medinipur.

The petitioner through her learned advocate made a representation before the Pradhan, Block Development Officer, Sub-Divisional Officer to the District Magistrate and also to the private respondent alleging such illegal construction.

The grievance of the petitioner is that her representation has not been considered by the respondent authorities till date.

The learned advocate appearing for the respondent No.9 submits, upon instructions, that the construction has been made in accordance with the plan that has been sanctioned by the Panchayat.

None appears on behalf of the Pradhan of the Chistipur-I Gram Panchayat, Patashpur-I Block in spite of service.

According to law, the Gram Panchayat is the appropriate authority to consider and decide as to whether the construction has been made in accordance with the plan or not.

The writ petition does not contain in document to show that the Gram Panchayat was ever approached by the petitioner with her grievances.

The Gram Panchayat is also not a party in the instant writ petition, though the Pradhan of the Gram Panchayat has been impleaded as the respondent No.8 herein.

In view of the above, leave is granted to the petitioner to make appropriate representation before the Chistipur-I Gram Panchayat annexing documents in support of her case.

In the event such a representation is made before the Panchayat, the same shall be considered, strictly in accordance with law, after giving an opportunity of hearing to the petitioner and the private respondent within a period of ten weeks from the date of submission of the representation by the petitioner.

The Panchayat Authority shall not enter into the private disputes between the parties and only restrict the consideration with regard to unauthorized construction beyond the sanctioned plan.

W.P.A. 24061 of 2019 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)