

Court No. 24
05.02.2021
(Item No. 102)
(AB)

W.P.A 10409 of 2020
Sri Kanailal Das and Anr.
vs
The State of West Bengal & Ors.

Mr. Debasish Das
...for the Petitioner

Affidavit of service filed on behalf of the petitioner is taken on record. Notice given by the Pradhan of the Panchayet dated 15.12.2020 handed over by the learned advocate on behalf of the petitioners in Court today is also taken on record.

The petitioners allege illegal and unauthorized construction without a sanction plan in J.L No. 439, Mouza – Aurai, plot No. 411, Police Station Contai, District Purba Medinipur.

The petitioners have made a representation before the respondent authorities by a letter dated 20.11.2020. The petitioners allege that no steps have been taken by the respondent authorities for consideration of their representation.

The petitioners complaint that the land where constructed is being made as a water body and construction is being made by the private respondents without obtaining any sanction plan and permission to convert the same to viti or danga.

In response to the objection made by the petitioners the Pradhan of the Gram Panchayet called for hearing on 22.12.2020 where the petitioners as well as the private respondents were present.

None appears on behalf of the private respondents.

As it appears that the Pradhan has already acted on the basis of the complaint lodged by the petitioner alleging unauthorized construction and has heard the parties on 22.12.2020 it is incumbent on the part of the Pradhan to dispose of the objection raised by the petitioners without keeping the same pending any further.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 5 being the Pradhan, Aurai No. 3 Gram Panchayet to consider and dispose of the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of eight weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioners, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the

petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation made on 20.11.2020 to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)