

Court No. 24
09.02.2021
(Item No. 104)
(AB)

W.P.A 10917 of 2020

Sri Ashok Samanta
vs
The State of West Bengal & Ors.

Mr. J. Mukherjee
Mr. Abhijit Basu
Mr. Kamal Misra
Ms. Rimpay Mukherjee
...for the Petitioner

Ms. Joyeeta Sinha
Mr. Bipin Ghosh
..... for the State

Affidavit of service filed by the petitioner is taken on record. The instruction given by the Block Development Officer, Bhagwanpur – I Development Block is kept with the record.

The petitioner alleges illegal and unauthorized construction, without a sanction plan, at Dag No. 4, J.L. No. 111, Khatian No. 747, Mouza – Paschim Masuria, Police Station Bhagwanpur, District – Purba Medinipur.

The petitioner had applied before the Pradhan of the Gram Panchayat seeking information as to whether any permission was given for making the construction in the said plot of land. The Secretary of the Bibhisampur Gram Panchayat by a communication dated 9th November, 2020 has intimated the petitioner under the Right to Information Act that the Panchayat did not grant any permission for making the said construction. On receipt of the aforesaid information the petitioner applied once again before the Panchayat for demolition of the unauthorized

construction. The petitioner alleges that the representation has not been considered by the respondent authority till date.

None appear on behalf of the Gram Panchayat despite service.

The learned advocate representing the State respondent submits, upon instruction, from the Block Development Officer, Bhagwanpur Block -I, Development Block that no permission has been issued for constructing the house of the said Gram Panchayat from the Panchayat Authority.

As it appears that the construction which is being made is continuing without obtaining any sanction plan from the Panchayat, it will be appropriate to direct the respondent No. 6 being the Bibhisampur Gram Panchayat through the Pradhan being the respondent No. 7 to take immediate appropriate steps against the aforesaid illegal construction which is being made without obtaining any sanction plan from the Panchayat.

The writ petition is accordingly disposed of by directing the aforesaid respondents to take steps in the matter, in accordance with law, after giving an opportunity of hearing to all necessary parties, including the petitioner, within a period of twelve weeks from the date of communication of a copy of this letter.

The said respondent shall intimate the petitioner the steps taken in the matter in response to the complaint

lodged by the petitioner seeking demolition of the unauthorized construction.

The aforesaid respondent shall be entitled to take the assistance of the respondent No. 9 being the Inspector-in-charge of the Bhagwanpur Police Station, if required.

The petitioner is directed to forward a copy of the representation dated 10th November, 2020 and a copy of the communication dated 9th November, 2020 issued by the Secretary, Bibhisampur Gram Panchayat to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)