

WPA 11785 of 2020

Nirmal Dinda

- Versus -

The State of West Bengal & Ors.

Sk. Rejaul Alam

.....For the petitioner

Ms. Sipra Majumder

Ms. Prativa Ghatak

....For the State

None appears on behalf of the Bhogpur Gram Panchayat and the private respondent no. 9 despite service. Affidavit-of-service filed in Court is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondent over the Plot No. 1910, J.L. No. 309, Mouza – Bhogpur. The petitioner objected to the aforesaid illegal construction before the Bhogpur Gram Panchayat by a representation dated 7th December, 2020. The petitioner complains that his representation has not been considered by the respondent authority till date. The petitioner made an application under the Right to Information Act, 2005 to enquire as to whether any permission was granted to the private respondent for making construction over the said plot of land. By a communication dated 20th January, 2021, the petitioner was informed that the Panchayat did not issue any sanction or permission to the private respondent for making construction over the said plot of land. It appears from the aforesaid communication made under the Right to Information Act, 2005 that the private respondent was

making construction over the said plot of land without obtaining any sanction from the Panchayat. The same is not permissible in law.

In view of the above, the instant writ petition is disposed of by directing the Bhogpur Gram Panchayat being the respondent no. 6 herein to consider the representation made by the petitioner on 7th December, 2020 strictly in accordance with law after giving an opportunity of hearing to the petitioner and all other necessary parties within a period of 12 weeks and pass a reasoned order and communicate the same to the petitioner and all other necessary parties immediately thereafter. If the Panchayat is of the opinion that the private respondent has indeed made construction without obtaining the sanction plan, then necessary steps shall be taken by the Panchayat to deal with the aforesaid illegal construction strictly in accordance with law.

The writ petition stands disposed of.

The communication dated 20th January, 2021 made by the Pradhan to the petitioner disclosing information under the Right to Information Act, 2005 is retained with the records.

Urgent xerox certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)