

07.01.2021

Item no. 09

Dd/aloke

(Through Video Conference)

WPA 9802 of 2020

**Mr. Mrityunjay Paul & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Subir Kr. Saha
Mr. Bikramaditya Ghosh
... ..For the State*

*Mr. Hillor Saha Poddar
... for the private
respondent no. 10*

Report of the District Magistrate has been filed undercover of a letter dated January 2, 2021, following the order dated December 2, 2020.

We have gone through the report. Paragraph 6 of the report states as follows :

"6. On further enquiry with the concerned Gram Panchayat Pradhan and staff, it was found that the wall has been constructed without following necessary rules, regulations and proper building plan of the concerned Gram Panchayat."

The District Magistrate shall forward this report to the local body concerned with instructions to demolish illegal construction, if any, after giving an opportunity of hearing to all concerned and in particular the private respondents.

We are not expressing any opinion on whether or not the construction in question is unauthorized or illegal. The private

respondents may have an explanation. The local body (Gram Panchayat) will undertake the requisite exercise within a period of three weeks from date of receipt of a copy of the report of the District Magistrate along with a copy of this order and report back to the District Magistrate immediately as to what action it has taken.

The District Magistrate shall ensure, in the manner he deems necessary, that no illegal construction continues to be in existence.

We see no reason to keep this writ petition pending. Accordingly, WPA 9802 of 2020, is disposed of.

[Thottathil B. Radhakrishnan, C.J]

[Arijit Banerjee, J.]