

21.9.2022
Sl.No.101

WPA 2348 of 2022

**Ashifur Rahaman
Vs.
The State of West Bengal & Ors.**

**Mr. Biswajit Bhattacharyya
..for the petitioner**

Despite service, none appears on behalf of either of the parties. Let the affidavit of service be taken on record.

As this Court is not inclined to pass any mandatory directions as prayed for, but is relegating the matter back to the authorities concerned, the writ petition is disposed of in the absence of the respondents.

The petitioner refers to an order of a co-ordinate Bench of this Court dated February 23, 2021 passed in WPA 3550 of 2020. It appears that a representation made by the petitioner with regard to the allegation of an alleged illegal construction on LR dag no.707 of mouza Milky, had not been considered by the permission granting authority.

The writ petition was disposed of by a co-ordinate Bench, with a direction upon the Balarambati Gram Panchayat to consider and dispose of the representation of the petitioner in accordance with law, within a period of twelve weeks from the date of communication of a copy of this order. The authorities were directed to pass a

reasoned order and communicate the same to all the parties. The petitioner alleges that the said order of the co-ordinate Bench of this Court has not yet been complied with.

Under such circumstances, without going in to the merits of the claim of the petitioner, this writ petition is disposed of with a direction upon the Balarambati Gram Panchayat to comply with the direction of the co-ordinate Bench of this Court referred to hereinabove, in accordance with law, upon granting an opportunity of hearing to all concerned, including the respondent nos. 9 to 15.

A reasoned order shall be passed and communicated to all concerned.

If it is found that the allegations are correct, necessary steps shall be taken as per the provisions and law. If it is found that the allegations are not correct, the same shall be reflected in the order.

Before such hearing is held, a spot inspection shall be made in the presence of all the parties including the respondent nos. 9 to 15.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

If the order of the co-ordinate Bench has been complied with, the same shall be intimated to the

petitioners and the aforementioned exercise would not be necessary.

The petitioner is directed to serve a copy of this writ petition along with a server copy of this order upon the Balarambati Gram Panchayat, for necessary compliance.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)