

Sl. No.29
24.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 7386 of 2022

Sumitra Debnath Pal
Versus
State of West Bengal & Ors.

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... for the petitioner

Mr. Susnigdho Bhattacharyya

... for the respondent nos. 8 & 9

Mr. Md. G. N. Imrohi

... for the respondent no.6/Gram Panchayat

Learned advocate representing the respondent no.6
has filed his Vakalatnama in the department being filing
No.A-14556 dated 15.06.2022.

Learned advocate representing the respondent
nos.8 & 9 has filed his Vakalatnama in the department
being filing No.A-14558 dated 25.07.2022.

The department is directed to tag the
Vakalatnamas with the records of the present case.

The petitioner complains of unauthorised
construction at the instance of the respondent nos.8 & 9.

Learned advocate representing the respondent
nos.8 & 9 denies the contention of the petitioner and
submits that no new construction has been made and
the construction standing at the site is an old one.

The petitioner relies upon a communication made by the Secretary of the Gram Panchayat that as per the records of the Gram Panchayat, no application for sanction was submitted by the private respondents.

The petitioner claims to have made representation before the Pradhan of the Gram Panchayat. The representation annexed at page 32, Annexure 'P-4' of the writ petition does not bear proof of service upon the Pradhan.

In view of the above, leave is granted to the petitioner to file appropriate application before the Pradhan with the allegation of unauthorised construction. In the event, such a representation is made, the same shall be considered by the Pradhan strictly in accordance with law, after giving reasonable opportunity of hearing to all the parties. The Pradhan shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The writ petition stands disposed of.

Affidavit of service filed in Court is taken on records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)