

S/L 13  
17.05.2022  
Court. No. 19  
sn

WPA 6315 of 2020  
With  
CAN 1 of 2020 (Old No. CAN 4809 of 2020)

Surojit Mahapatra  
VS  
The State of West Bengal & Ors.

*Mr. Debjit Mukherjee,  
Ms. Dipanwita Ganguly.*  
...for the Petitioner.

*Mr. Swapan Kr. Banerjee  
Mr. Ritesh Singh.*  
...for the State.

*Mr. Satyajit Talukdar,  
Mr. Abhishek Sarkar.*  
...for the K.M.D.A.

*Mr. Suman Basu.*  
...for the Respondent No.3.

*Mr. Falguni Bandyopadhyay,  
Ms. Sreetama Neogi  
Ms. Riya Ballav.*  
...for the Respondent No.7.

*Mr. Rajdeep Bhattacharjee,*  
...for the Respondent No.10.

*Mr. N. Pal  
Mr. Suman Banerjee*  
..for the Respondent nos. 11 to 14

This writ petition has been filed alleging unauthorized construction by the respondent nos. 10 to 14 on plot no. 313/475, khatian no. 2852, mouza Khardah Bahera under Nabagram Gram Panchayat. The allegation is that the said Gram Panchyat has not taken any steps despite complaint lodged by the petitioner.

The allegation is that although the Sub Divisional Officer, Serampore, Hooghly had directed the respondent nos. 11 to 14 to stop such construction by a notice dated July 23, 2019, the respondents disobeyed such direction and continued with the construction. The petitioner alleges that the relevant rules have not been complied with.

Under such circumstances, this writ petition has been filed.

Mr. Bhattacharjee, learned advocate for the respondent no. 10 submits that as the building was G+III storied, the Gram Panchayat was not the appropriate authority to grant the sanction, but the sanction was granted by the Hooghly Zilla Parishad. Mr. Suman Banerjee also adopts such submission.

Mr. Basu, learned advocate for the Zilla Parishad also submits that the plan was vetted and approved by the Zilla Parishad and the completion certificate has also been granted.

According to the respondent nos. 11 to 14, third parties have already taken possession of the said building and the builders and the owners do not have any further interest in the construction. The Zilla Parishad granted the sanction on December 18, 2019.

The writ petition, as it appears from the pleadings and the prayers, appear to have been based on an incorrect premise.

Mr. Bandopadhyay, learned advocate for the Gram Panchayat submits that as the area in which the construction has been raised is a notified area under a development authority, the gram panchayat did not have any right to sanction the plan at any stage. He further submits that the records in the office of the gram panchayat did not reveal that any such sanction was granted by the gram panchayat.

Under such circumstances, this writ petition is disposed of without any order.

The petitioner will be at liberty to approach the competent authority under the law with specific instances of deviation and/or unauthorised construction which he alleges. Vague and omnibus allegations will not be entertained. If such complaint is filed, the same shall be decided in accordance with law. Such liberty shall not be construed as an observation to the court on the construction.

The consideration shall be made in the presence of the petitioner, the respondent nos. 10 to 14 or their representatives, the occupants of the building and/or their representatives, the competent authority of the Nabagram Gram Panchayat.

The competent authority of the Zilla Parishad shall dispose of the complaint of the petitioner, which may be filed on the basis of the order of this Court, without being influenced by any observations made in

this order and the issues shall be decided independently and in accordance with law.

This writ petition along with C.A.N. 1 of 2020 are disposed of accordingly.

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

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

**(Shampa Sarkar, J.)**