

Item No. 49 & 50.

10.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 10678 of 2019
with
CAN 1 of 2022

Dipak Kumar Ghosh
Vs.
The State of West Bengal & Ors.

with

WPA 10082 of 2019
Tapan Kumar Ghosh & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sudip Sarkar
Mr. Debdutta Basu
... for the petitioner in WPA 10678 of 2019
and respondent no. 7 in WPA 10082 of 2019.

Mr. Abu Abbasuddin
... for the added respondents in WPA 10678 of 2019
and for the petitioner in WPA 10082 of 2019.

Mr. Abdus Salam
... for the State respondents
in WPA 10678 of 2019.

Mr. Manas Kundu
Mr. Debabrata Mondal
... for the State respondents
in WPA 10082 of 2019.

The petitioner is aggrieved by the stop work notice issued to him by the Pradhan, Akna Gram Panchayat on February 15, 2019.

According to the petitioner, construction was being made strictly in accordance with the plan sanctioned by the Panchayat.

Tapan Kumar Ghosh and Sati Ranjan Ghosh the petitioners in WPA 10082 of 2019 have filed an application for

being added as party respondents in the instant writ petition. The stop work notice was issued to the petitioner on the basis of the objection raised by the aforesaid Tapan Kumar Ghosh and Sati Ranjan Ghosh. The aforesaid Tapan Kumar Ghosh and Sati Ranjan Ghosh claim to be the co-owners of the property where the construction is being raised by the petitioner Dipak Kumar Ghosh.

It appears from the submissions made on behalf of the parties that presence of Tapan Kumar Ghosh and Sati Ranjan Ghosh is required for deciding the issue in question.

In view of the above, the application made for addition of parties stands allowed.

According to the added respondents, the petitioner is making construction over and above the area which has been sanctioned for making construction.

According to the petitioner 609 sq.ft has been permitted to be constructed by the Panchayat.

The added respondents submit that the petitioner is making construction of nearly 1200 sq. ft. The same is beyond the sanctioned plan.

The aforesaid Tapan Kumar Ghosh and Sati Kumar Ghosh have filed a writ petition before this Court praying for demolition of the unauthorized construction made by Dipak Kumar Ghosh.

Both the writ petitions are taken up for consideration analogously and disposed of by the following order.

The Pradhan, Akna Gram Panchayat is directed to cause a site inspection for ascertaining whether the

construction made by Dipak Kumar Ghosh is in accordance with the plan sanctioned by the Panchayat.

If it appears on inspection that Dipak Kumar Ghosh was making construction beyond/in deviation of the sanctioned plan, then necessary steps shall be taken by the Gram Panchayat for dealing with the said unauthorized construction, in accordance with law.

All the parties shall be given a notice prior to the inspection being conducted by the Pradhan of the Gram Panchayat. The inspection report shall be forwarded to all the parties.

The Panchayat is restrained from entering into or deciding any civil disputes in between the parties.

The parties shall be intimated as to whether there is any construction beyond the sanctioned plan and the nature and extent of the unauthorized construction, if any.

Steps shall be taken in the matter at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order.

The writ petitions and the connected application stand disposed of.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)