

July 19, 2022
Sl. No.7
Court No.1
s.biswas

WPA (P) 270 of 2022
Gourhari Das and others
vs.
The State of West Bengal and others

Mr. Soumen Kumar Dutta,
Mr. Subhadeep Chatterjee,
Ms. Arpita Kundu, Advocates
... for the petitioners
Mr. Lalit Mohan Mahata, Addl. G.P
Mr. Supratim Dhar, Advocates
... for the State
Mr. Monis Sen,
Mr. Arijit Dey, Advocates
... for the Respondent No.8 & 9/private respondents

Affidavit of service filed by the petitioners is taken on record.

The case of the petitioners is that Plot No.315, Mouza Digha, District Paschim Medinipur is a Nayanjuli which belongs to the private respondents and they, without any permission, are filling up the Nayanjuli raising unauthorized construction thereon.

It is submitted by learned counsel for the petitioners that a representation was filed on 1st June, 2022 before the respondent No.4 (the Pradhan, Sabra 4 No. Gram Panchayat) and on the basis of the said representation, notice to both the parties was issued and the matter was fixed on 7th June, 2022, but the private respondents did not appear and the matter was kept adjourned without any further date.

Learned counsel appearing for the private respondents submits that two years back with permission the construction was raised. He has stated that the

private respondents are now not raising any construction on the Nayanjuli.

Learned counsel for the State has also submitted that the respondent No.4 is the competent authority to enquire into this issue.

Since the respondent No.4 has already initiated action on the basis of the complaint of the petitioners and has issued notice to the concerned parties and proceedings are pending, we direct the respondent No.4 to proceed with the matter and conclude the proceedings after giving fresh opportunity of hearing to the concerned parties.

Let this exercise be completed within a period of 3 months from the date of receipt of a copy of this order.

The present petition is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]