

D/L 17
05.7.2022
Court No.24
SD

WPA 15382 of 2019

Kartick Chandra Dutta
Vs.
The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee
Mr. Masud Mallik

...for the Petitioner.

Mr. Wasim Ahmed

...for the State.

Ms. Reshmi Ghosh
Mr. Soumya Sankar Chini

...for the Respondent No.10.

Affidavit of service filed by the petitioner in Court today be kept with the records.

Leave is granted to the learned advocate on record for the petitioner to implead the Sub-Divisional Officer as party respondent in the present writ application. The formality of serving a copy of the writ petition upon the Sub-Divisional Officer stands dispensed with as learned advocate has already entered appearance on behalf of the State-respondents.

In compliance of the direction passed by the Court on June 9, 2022, an inspection at the disputed site was conducted by the Block Development Officer in the presence of the Prodhan and the Nirman Sahayak of the Gram Panchayat.

The report which has been filed before this Court today signed by the Joint Block Development Officer, Ketugram-I Development Block and the PA & AO, Ketugram-

I Development Block duly approved by the Block Development Officer, Ketugram-I Development Block mentions that no building construction permission was given from the end of the gram panchayat. There is no building plan in respect of the construction that is being made. The construction which has been made on plot no.5018 is encroaching some additional area adjacent to the plot.

It appears from the report that has been filed in Court today that the construction that has been made by the private respondent is absolutely unauthorized as the same has been made without obtaining any permission and/or sanction from the Panchayat.

In view of the above, the Prodhan of the Gram Panchayat is directed to forward the enquiry report along with other relevant documents to the Sub-Divisional Officer for taking appropriate steps in the matter in accordance with the provisions of law. Steps shall be taken by the Prodhan at the earliest but positively within a period of fourteen days from the date of communication of this order.

On receipt of the necessary documents from the Prodhan, the Sub-Divisional Officer shall take appropriate steps to deal with such unauthorized construction in accordance with the provisions of law, at the earliest, but positively within a period of twelve weeks from the date of receipt of the documents from the Prodhan.

The report filed by the Block Development Officer be retained with the records.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)