

Sl. No.29
22.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 17487 of 2021

Sarbani Bandhopadhyay
versus
The State of West Bengal & Ors.

Mr. Pintu Karar
Mr. Akashdeep Mukherjee
... for the Petitioner

Mr. Amal Sen
Mr. Kapil Guha
Mr. Subhabrata Das
... for the State

The petitioner alleges illegal and unauthorised construction at the instance of the respondent nos.9 & 10 and alleges that the objection filed by the petitioner before the concerned authority has not been considered.

Learned advocate appearing on behalf of the State respondent has obtained instruction from Jangipara Police Station wherefrom it appears that construction is being made without any sanction.

The Panchayat Samity has informed the Police Station that no plan has been sanctioned in favour of the private respondents for making construction thereon.

As the Panchayat Samity has already forwarded instruction that no plan has been sanctioned for making construction, accordingly, Jangipara Gram Panchayat

through its Pradhan is directed to take immediate steps to ensure that no unauthorised construction takes place in the plot in question.

The Chief Executive Officer, Furfura Sharif Development Authority, the Block Development Officer Jangipara Block are directed to take steps to consider the objection filed by the petitioner against such unauthorised construction, in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties.

A reasoned order shall be passed at the earliest but positively within a period twelve weeks from the date of communication of the order and the same shall be communicated to all the parties immediately thereafter.

The Officer-in-Charge, Jangipara Police Station is directed to ensure that no construction is being made over the property in question in the absence of a proper sanctioned plan.

The petitioner is directed to forward a copy of the representation dated 17th July, 2021 to the aforesaid respondents at the time of communicating the order of this Court.

The respondent authorities are restrained from entering into or deciding any private dispute in between the parties and the respondents shall restrict consideration with regard to the issue of unauthorised construction without sanctioned plan.

The report of the Officer-in-Charge, Jangipara Police Station dated 3rd November, 2021 be retained with the records.

Affidavit of service filed in Court is taken on records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)