

Sl. No.49
16.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 18155 of 2021

Billal Hossain
versus
The State of West Bengal & Ors.

Mr. Susnigdho Bhattacharyya
... for the petitioner

Mr. Md. G. N. Imrohi
... for the Pradhan
Chak Islampur Gram Panchayat

Learned advocate representing the respondent no.5
has filed his Vakalatnama in the department being filing
No.A-14740 dated 14.06.2022.

The department is directed to tag the Vakalatnama
with the records of the present case.

The petitioner alleges illegal and unauthorised
construction at the instance of the respondent nos.7, 8 &
9 on L. R. Plot No.2272, Mouza-Islampur under Chak
Islampur Gram Panchayat.

Learned advocate representing the Panchayat
submits upon instruction that no plan has been
sanctioned for making construction over the aforesaid
plot of land.

The representation of the petitioner before the
Pradhan, Chak Islampur Gram Panchayat alleging
unauthorised construction remains unanswered till date.

Though the petitioner submits that representation was filed before the Chak Islampur Gram Panchayat in October, 2021 objecting to such illegal construction, but there is no proof of service of the said representation upon the Gram Panchayat.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to apply before the Chak Islampur Gram Panchayat highlighting his grievances and giving details of the alleged construction that is being made by the private respondent.

In the event, such a representation is made the same shall be considered by the Panchayat strictly in accordance with law at the earliest but positively within a period of twelve weeks from the date of filing the representation.

The Panchayat shall afford an opportunity of hearing to all the necessary parties prior to taking a decision in the matter.

If the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid

respondent at the time of consideration of the representation of the petitioner.

Affidavit of service filed in Court is taken on record.

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.)