

22.12.2022
Court No. 19
Item no.07
CP

WPA No. 16616 of 2019

Sk. Akimuddin
Vs.
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar
Mr. Prasad Bhattacharyya
...for the petitioner.

Mr. Susanta Kr. Mukherjee
Mr. H. K. Halder
Mr. Sk. Afrojul Haque
...for the State.

The petitioner alleges that the respondent nos. 11 to 15 have raised an unauthorized construction on Plot No. 389 of Mouza – Kanakpur. It is alleged that the said construction is being used as a shop and liquor is being sold from there without valid licence. The petitioner submits that the pradhan of Bharatpur-II Gram Panchayat was approached by the petitioner, by way of a representation. The said representation has not yet been considered. It is also alleged that the illegal activities of sale of liquor continues from the unauthorized shop.

Without going into the merits of the issues involved and without deciding the right, title and interest of the parties in respect of the plot in question, the writ petition is disposed of with a direction upon the pradhan of Bharatpur-II Gram Panchayat to dispose of the representation of the

petitioner which is Annexure P-3 at page 37 to the writ petition.

The authorities shall cause an inspection in order to ascertain the extent and nature of alleged unauthorized construction. A report of the same shall be handed over to the parties. The inspection shall be held with prior notice to all the parties. Thereafter, the parties shall be heard and a reasoned order shall be passed and communicated. The issues raised in the said representation shall be decided with reasons.

Needless to mention, if any unauthorized construction or any illegal sale of goods are found from the premises in question, the authority shall act and proceed in accordance with law.

This order shall not be construed as the opinion of the court on any of the contentions of the petitioner. All the issues shall be decided independently.

It appears that the police authorities have already submitted prosecutions apprehending breach of peace. The police report is taken on record.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)