

WPA 18833 of 2021

Tushar Kanti Halder
versus
State of West Bengal & ors.

Mr. Bapin Baidya
... for the petitioner

Mr. Mainak Bose
Mr. Lakshmi Nath Bhattacharya
... for respondent 8 & 9

Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty
... for the State

The petitioner alleges illegal and unauthorized construction at the instance of the respondent nos. 7 and 8. Respondent No. 7 is the father of respondent No. 8.

It appears from the documents annexed to the writ petition that the two earlier writ petitions filed by the petitioner being W.P. 11484(W)/2007 and W.P. 25173(W)/2013 was heard and disposed of by this Court on 03.01.2018 directing the appropriate Officer or the concerned Gram Panchayat authority to take a decision in accordance with law.

The Pradhan of Debipur Gram Panchayat issued a notice on 10.11.2021 fixing 16.11.2021 for hearing of the parties.

Learned counsel for the petitioner submits that no agenda was fixed on 16.11.2021 for hearing of this matter

and accordingly, the hearing could not be held on the said date.

It has been submitted that since thereafter the Pradhan of Debipur Gram Panchayat did not take steps to act in accordance with the order passed by this Court on 03.01.2018.

Reference has been made to a letter dated 20.11.2021 allegedly issued by the Pradhan of Debipur Gram Panchayat to the Officer-in-Charge, Mathurapur Police Station requesting the Police to take steps against the private respondents for making unauthorized construction.

Learned counsel representing respondent nos. 7 & 8 submits, upon instruction that, they are not responsible for any unauthorized construction.

It has been submitted that only repairing work has been conducted and no construction, far less unauthorized construction, was made.

It has also been submitted that the Pradhan of Debipur Gram Panchayat vide a further intimation dated 12.08.2022 has indicated that the aforesaid notice dated 20.11.2021 was not at all issued by the Pradhan.

Without going into the merits of the documents annexed to the writ petition or placed before this Court, I am of the opinion that order was passed by this Court way back on 03.01.2018. It is incumbent for the competent authority to act in accordance with the same.

In view of the above, the Pradhan of Debipur Gram Panchayat is directed to act in strict compliance of the directions passed by the Court on 03.01.2018. Necessary steps shall be taken to comply the directions of the Court at the earliest but positively within a period of eight weeks from the date of communication of the order. The respondent authority shall grant opportunity of hearing to all the necessary parties and take a decision in the matter and pass a reasoned order and communicate the same to the parties immediately thereafter.

Since the writ petition is disposed of without calling for any affidavits, allegations made in the writ petition are deemed not to have been admitted by the respondents.

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.)