

Sl. No.49
17.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 20417 of 2021

Jagadish Naskar
Versus
The State of West Bengal & Ors.

Mr. Bapin Baidya
... for the petitioner
Mr. Rabindra Narayan Dutta
Mr. Hare Krishna Halder
... for the State
Mr. Sounak Bhattacharya
Mr. Chandra Nath Sarkar
Mr. Sounak Mondal
... for the respondent nos.8 & 9

The petitioner alleges illegal and unauthorised construction in Dag No.77(L.R), Mouza-Hatpara, J. L. No.18, Police Station-Joynagar, South 24 Parganas.

The aforesaid unauthorised construction is allegedly made by the respondent nos.8 & 9.

The petitioner relies upon an information allegedly provided under the Right to Information Act, vide Memo No.132/SGP/2021-22 dated 3rd August, 2021, by the Executive Assistant, Sripur Gram Panchayat.

The petitioner claims that construction is being made without obtaining any permission from the Gram Panchayat.

Learned advocate representing the respondent nos.8 & 9 denies the allegations of the petitioner.

On a perusal of the representation filed by the petitioner before the Pradhan, it appears that the details of the unauthorised construction are missing. Neither the plot number nor the nature and extent of construction that is allegedly being made have not been mentioned in the representation filed before the Pradhan.

The manner in which the information has been provided under the Right to Information Act also appears to be doubtful.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to make a comprehensive representation before the Gram Panchayat highlighting his grievances. In the event, such a representation is made giving details of the alleged unauthorised construction, then the same shall be considered by the Sripur Gram Panchayat strictly in accordance with law after giving reasonable opportunity of hearing to the petitioner as well as other necessary parties and thereafter pass a reasoned order and communicate the same to the parties immediately thereafter.

A decision shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of submission of the representation before the Panchayat.

The writ petition stands disposed of.

Affidavit of service and the communicating letter of the learned advocate of the petitioner to the Pradhan of the Gram Panchayat be retained with the records.

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

(Amrita Sinha, J.)