

16.11.2022
Sl. No.15(DL)
srm

W.P.A. No. 23020 of 2022

Baby Bibi

Versus

The State of West Bengal & Ors.

Mr. Indrajeet Bhattacharjee,
Mr. Kowshik Tikadar

....for the Petitioner.

Mr. Himadri Sikher Chakraborty,
Mr. Kapil Guha

..for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondent No.7.

As this court is not inclined to pass any mandatory directions as prayed for, the writ petition is taken up in his absence.

The petitioner alleges that the respondent No.7 has raised an unauthorised construction. The representation before the Pradhan and the Executive Engineer of Mallikpur Gram Panchayat, Kolkata-700147 is inadequate. The description of the land/plots over which such construction is being allegedly erected, has not been mentioned. It also appears that the petitioner has not mentioned the height and the plinth area of such

construction. Thus who would be the competent authority, is not clear. The allegation is that an unauthorised construction of a G+3 storeys is being raised without leaving adequate side spaces.

Under such circumstances, the petitioner is granted liberty to approach the competent permission granting authority as per law, with details of his allegations. If such objection is filed, the same shall be disposed of in accordance with law upon hearing the petitioner, the person responsible for the alleged construction and all other interested parties. A reasoned order shall be passed. An inspection shall precede the hearing.

Needless to mention, the authority shall take steps in accordance with the provisions of the West Bengal Panchayat Act, 1973 within a period of four months from receipt of such objection.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)