

Item No. 301(ML)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

29.06.2022
Ct-24

WPA 10510 of 2020
Sailendra Nath Mondal & Ors.
v.
The State of West Bengal & Ors.

Mr. Debasish Kundu
... for the petitioners.

The petitioner alleges that an ICDS center has been constructed illegally in front of their property and the same is causing obstruction in free egress and ingress to the land of the petitioners.

It appears from records that the petitioner approached this Court on two earlier occasions and order was passed by this Court on April 28, 2016 in W.P. 12913(W) of 2015 wherein the Court was pleased to pass order that a demolition case be started against the persons responsible upon hearing the parties and pass a reasoned order within a stipulated time period.

The petitioners submit that despite order passed by this Court, no steps have been taken for redressal of the grievance of the petitioners.

It has been submitted that presently a club room is also being constructed by the said authority which is causing further obstruction in the egress and ingress to their land.

The petitioners made repeated representations before the respondents and allege that none of them have been taken up for consideration till date.

None appears on behalf of the respondents despite service.

Affidavit-of-service filed in Court today is taken on record.

As it appears that the petitioners have made specific allegation against the Block Development Officer, Tehatta-II, as the person responsible for making such unauthorized construction, accordingly, the Court thinks it fit to direct the Sub-Divisional Officer, Tehatta being the respondent no. 3 herein to take into consideration the representation filed by the petitioners alleging unauthorized construction strictly in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and to pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioners and all points are left open to be decided by the said respondent at the time of consideration of the representation filed by the petitioners.

The petitioners are directed to forward copy of the orders passed in the earlier writ petitions as well as the representations filed by them for consideration at the time of communicating the order passed by this Court.

The Sub-Divisional Officer, Tehatta shall consider the matter positively within a period of four months from the date of communication of a copy of this order along with the aforesaid documents.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)