

13.07.2022
RP/Ct. 2
sl no. 17

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction**

**WPA 235 of 2021
+
IA No. CAN 1 of 2021
Tripti Dealers Private limited & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Subham Ghosh

.... For Petitioners

Mr. Bikramaditya Ghosh

Mr. Pretom Das

.... For State

Petitioners allege that the private respondent nos.7 to 10 have constructed a two-storied building on LR Plot No.1540, Mouza-Tumbajote within Matigara Gram Panchayat, Police Station-Matigara, District-Darjeeling without obtaining any sanction plan from the Matigara-2 Gram Panchayat.

Learned advocate for the petitioners submits that the petitioners submitted a representation dated February 12, 2019 before the Pradhan of the said Matigara-2 Gram Panchayat but in spite of receipt of the same the concerned authority has not taken any step in that regard. Since an allegation of illegal construction has been made and a representation to that effect has been submitted before the Pradhan of Matigara-2 Gram

Panchayat, WPA 235 of 2021 is disposed of by directing the Pradhan, Matigara-2 Gram Panchayat to consider the representation of the petitioners dated February 12, 2019, which was received by the Pradhan on that date and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner and the private respondents and to communicate the decision to the parties. The entire exercise shall be completed within a period of four weeks from the date of communication of a copy of this order along with a copy of the representation dated February 12, 2019 which was addressed to the Pradhan, Matigara-2 Gram Panchayat. Consequently the application, being CAN 1 of 2021 is also disposed of. There shall, however, be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)