

16.1.2023
Sl.No.17
Ct.19
sn

WPA 161 of 2023

Tapan Adak
Vs.
The State of West Bengal & Ors.

Mr. Bhagabat Chowdhury
Sk. Toslim Ali
Ms. Saba Parween
..for the petitioner

Ms. Sudipa Roy
Ms. Debarati Sen(Bose)
..for the State

Despite service, none appears on behalf of the panchayat authorities. Let the affidavit of service be taken on record.

This writ petition is disposed of with a direction upon the Tulsiberia Gram Panchayat to comply with the order passed in WPA 14818 of 2021 dated October 7, 2021.

The petitioner is aggrieved because the notice issued by the Pradhan, Tulsiberia Gram Panchayat dated December 30, 2022 indicates that the unauthorised construction was made by the petitioner. According to the petitioner, the notice ought to have been issued upon the persons who were responsible for the construction and not on the petitioner.

The Court does not express any view in this regard as the panchayat authorities may also examine the construction of the petitioner, irrespective of the

order of court. The panchayat authorities must comply with the order dated October 7, 2021, in accordance with law, and in its letter and spirit.

This Court is of the view that the notice issued by the Pradhan of Tulsiberia Gram Panchayat may be a mistake in the format. Whatever the petitioner wants to submit may be done before the authority.

The petitioner is at liberty to approach the authorities with all his documents in support of his case.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the server copy of this order.

(Shampa Sarkar, J.)