

20 26.09.2023
rkd Ct.15

W.P.A. 1141 of 2016

Dhairiyadhar Ghosh & Anr.

-vs-

The State of West Bengal & Ors.

Ms. Adrisnata Chakraborty

....for the petitioners.

Md. Manasoor Alam

....for the State.

Petitioners complain of unauthorised construction by the respondent no.4, Pijush Kumar Ghosh.

Today on behalf of the petitioners affidavit-of-service is filed in Court which is taken on record wherefrom it appears that notice has been served pursuant to the previous order passed by this Court upon the respondents including the respondent no.4 but there is no representation on behalf of the Panchayat Authorities and the respondent no.4. However, State respondents are represented before this Court today.

It has been submitted by the learned advocate representing the petitioners that while making construction respondent no.4 has not left mandatory side space between the buildings of the petitioners and the respondent no.4. It is also submitted that there are violations of the provisions as contained in West Bengal Panchayat (Gram

Panchayat Administration) Rules, 2004. Photographs which are annexed at page 47 of the writ petition apparently corroborates the submissions made on behalf of the petitioners with regard to the nature of constructions made by the respondent no.4.

Having considered the case made in this writ petition as well as in consideration of the complaint lodged before the Pradhan, Atharakhai Gram Panchayat, Shivmandir, District-Darjeeling being respondent no.2 is directed to initiate demolition proceeding in terms of the relevant provisions of the West Bengal Panchayat Act, 1973 and rules framed thereunder and shall pass a reasoned order upon conclusion of the said demolition proceeding after granting opportunity of hearing to the petitioners and the respondent no.4.

The aforesaid proceeding shall be initiated by the respondent no.2 within two weeks from the date of communication of this order and shall be concluded within eight weeks thereafter.

The decision to be taken by the Pradhan shall be communicated to the parties within one week thereafter.

With the aforesaid direction the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)