

10.05.2023
Court No. 19
Item 26
CP

WPA No. 10488 of 2023

Sri Biswanath Das

Vs.

The State of West Bengal & Ors.

Mr. Suhrid Sur

Ms. Shebatee Datta

... for the Petitioner.

Mr. Lalit Mohan Mahata

Mr. P. B. Mahata

...for the State.

Despite service, none appears on behalf of the respondent no. 8.

As this court is not inclined to pass any mandatory directions as prayed for, but deems it fit to relegate the matter to the permission granting authority, this writ petition is taken up in his absence.

The petitioner alleges unauthorized construction by the respondent No.8. The Jangipara Panchayat Samiti has already informed the petitioner that the samiti had not granted any such permission for construction.

The petitioner is at liberty to approach the Jangipara Gram Panchayat with his query as to whether any construction was permitted in favour of the respondent no. 8 over Plot No. 684 of Mouza – Krishnagar. If such query is made, necessary

information shall be given to the petitioner within a week from receipt of the application of the petitioner. The petitioner will be at liberty to raise objections before the appropriate permission granting authority, in case the authority informs the petitioner that permission for construction had not been given to the respondent No.8.

The existing plinth area and the height of the alleged structure, will determine who would be the appropriate authority to consider the objection of the petitioner. Necessary steps shall be taken, if it is found that the construction was without permission, upon giving adequate opportunity to the parties to place their respective cases before any final decision is taken.

The entire exercise shall be completed within a period of three months from the date of receipt of the objection of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)