

May 1, 2023  
Sl. No.A 8  
Court No.19  
s.biswas

WPA 16470 of 2022

*Bellal Hosen Mollick*

*vs.*

*The State of West Bengal and others*

Mr. Gautam Banerjee,  
Ms. Priya De

... for the petitioner

Mr. Prasanta Kr. Giri,  
Ms. Sanjukta Samanta

... for the State

Mr. Suman Basu,  
Ms. Debanwita Pramanik

... for the respondent no.2/Hooghly Zilla Parishad

Affidavit of service filed by the petitioner is taken on record.

Despite service, none appears on behalf of the respondent Nos.7 to 9.

As the Court is not inclined to pass any mandatory direction as prayed for, but deems it fit to relegate the matter to the permission granting authority for determination of the allegation of unauthorized construction, the writ petition is taken up in the absence of the respondent Nos.7 to 9.

The petitioner alleges that the respondent Nos.7 and 8 with the help of respondent no.9, raised a construction of a G+4 storeyed building, on a plot next to a primary school being Plot Nos.1329 and 1330 of Mouza-Champadanga, without any authorisation and/or sanction from the Hooghly Zilla Parishad.

Without going into the merits of the allegation levelled against the respondents, the writ petition is disposed of with direction upon the Hooghly Zilla Parish to deal with the proceedings in accordance with law.

While doing so, the following procedure shall be adopted:-

- a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent Nos.7 to 9. An advance notice of the inspection shall be served upon the petitioner and the respondent Nos.7 to 9 and on all other interested parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the respective premises.
- b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without any sanction and was continuing, the authorities may take such interim measures by stopping such construction.
- c) A report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.

- d) Such report shall be handed over to the parties. The question of right, title, interest, possession and boundary dispute etc. shall not be decided by the panchayat authorities. The issues to be decided would be whether the construction was in accordance with a sanctioned plan or in absence thereof.
- e) A hearing shall be given to the petitioner and the respondent Nos.7 to 9. The parties must also be allowed to furnish their written objection/version to the report and adduce oral and documentary evidence in support of their contentions before the competent authority. All points raised by either party, will be decided.
- f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in accordance with law. It goes without saying that in case any unauthorized construction is found, steps for demolition will be taken in accordance with law.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

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 server copy of this order.

**(Shampa Sarkar, J.)**