

April 27, 2023
Sl. No.A 188
Court No.19
s.biswas

WPA 17261 of 2022

Kaustabh Mondal

vs.

The State of West Bengal and others

Mr. Subhendu Banerjee, Advocate

... for the petitioner

Mr. Ziaul Islam, Advocate

... for the State

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

Despite service, none appears on behalf of the respondent Nos.4 to 6.

The petitioner alleges that the respondent no.6 has raised a construction on plot no.1031/1329 of Mouza Kalikapur, without following the building rules and without leaving mandatory set back space and side space.

Records reveal that the petitioner had never approached the gram panchayat alleging such illegality in the construction.

The writ petition cannot be entertained in the absence of any objection having been placed before for gram panchayat.

The concerned gram panchayat will duly enquire and decide as to whether the respondent no.6 had actually raised any construction in deviation of the plan, which was allegedly sanctioned by the gram panchayat and/or in deviation of the building rules.

The writ petition is disposed of without any orders.

This order will not prevent the petitioner from approaching the Pradhan of Dakshin Barasat Gram Panchayat by filing a composite representation, stating

the illegality in the construction of the respondent no.6.
If such representation is filed, the same shall be disposed
of in accordance with law, by following the usual
procedure of an inspection and hearing.

Parties to act on a server copy of this order.

(Shampa Sarkar, J.)