

12
30.08.2023
Court No. 24
A.G.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 16879 of 2023

**West Bengal Housing Board
-versus
The State of West Bengal & Ors.**

**Mr. Soumava Mukherjee
Mr. Subhankar Chatterjee
...For the Petitioner.**

**Mr. Rahul Karmakar
Mr. Rittick Chowdhury
Mr. S. K. Poddar
Mr. Sounak Mukherjee
... For the Respondent no. 4.**

**Mr. Pankaj Halder
Mr. Sanatan Panja
... For the State.**

Affidavit-of-service filed in Court today be kept with the records.

The petitioner is aggrieved by the inaction on the part of the Pradhan, Patharghata Gram Panchayat to take steps in response to the complaint lodged by the petitioner on 25th May, 2023 seeking cancellation of sanction of the building plan issued in favour of the private respondent no. 4 herein.

None represents the Patharghata Gram Panchayat despite service.

Learned advocate representing the private respondent denies the allegation of the petitioner. It has been submitted that there are four registered sale deeds

in favour of the private respondents and the construction has been made strictly in accordance with the plan sanctioned by the Gram Panchayat.

The record of rights in respect of the subject property also stands in the name of the private respondents.

Without going into the merits of the claim of the petitioner as it appears that a complaint is pending consideration before the Pradhan of the Patharghata Gram Panchayat, accordingly, the instant writ petition is disposed of by directing the Patharghata Gram Panchayat to consider the said representation in accordance with the law after granting reasonable opportunity of hearing to all the necessary parties.

A reasoned order shall be passed and communicated to the parties.

Decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

It is made clear that this Court has not entered into the merits of the case and all points are kept open to be decided by the Panchayat at the time of consideration of the representation filed by the petitioner.

Learned advocate for the petitioner is directed to forward a copy of the complaint to the Gram Panchayat at the time of communicating the order of this Court.

It is made clear that the Panchayat will not enter into and decide the private dispute in between the parties.

Leave is granted to the learned advocate for the petitioner to implead the Patharghata Gram Panchayat as party respondent in the instant writ petition.

Since affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)