

Item No.259

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24

WPA 16938 of 2023
Seikh Nurul Halim

v.

The State of West Bengal & Ors.

Mr. Khairul Alam
... for the petitioner.

Mr. Subhranil Ray
... On behalf of Ms. Kakali Samajpati, adv
for the State.

The petitioner alleges illegal and unauthorized construction at the behest of the private respondents. Reliance has been placed on the stop work notice issued upon the private respondents by the Gram Panchayat.

Allegation is that construction is being made defying the stop work notice.

On a perusal of the documents annexed to the writ petition it does not appear that the petitioner filed any objection before the respondent authority highlighting the details of the unauthorized construction made at the behest of the private respondents.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to file comprehensive representation highlighting the illegalities of the construction made.

If such an objection is filed, the same shall be considered by the Gram Panchayat in accordance with

law after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of twelve weeks from the date of filing the representation. The reasoned order shall be passed and communicated to the parties immediately thereafter.

Prior to consideration of the objection, spot inspection upon prior notice to all the necessary parties shall be made by the Panchayat.

If any unauthorized construction is detected, then necessary consequential steps shall be taken by the Gram Panchayat.

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.

Sh

(Amrita Sinha, J.)