

Item No.261

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24

WPA 17282 of 2023
Dinabandhu Das Bairagya
v.
The State of West Bengal & Ors.

Ms. Pampa Dey(Dhabal)
... for the petitioner.

Ms. Reshma Chatterjee
... for the State.

Ms. Malabika Roy Dey
Mr. Uttiya Roy
... for the respondent nos. 9 & 10.

The petitioner alleges illegal and unauthorized construction at the behest of the respondent nos. 9 & 10.

Learned advocate representing the respondent nos. 9 & 10 submits, upon instruction that, the property was sold by the private respondents prior to the filing of the present writ petition. Presently the private respondents are no way connected with the subject property.

On a perusal of the documents annexed to the writ petition it appears that a formal complaint alleging unauthorized construction has not been filed before the Pradhan or the Gram Panchayat.

In view of the above, the instant writ petition is disposed of granting leave to the petitioner to approach

the Gram Panchayat highlighting the details of the unauthorized construction.

If such a representation is made, then necessary steps shall be taken by the Panchayat to decide the same 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.

A spot inspection to ascertain the nature and allegation of unauthorized construction shall be conducted prior to consideration of the objection.

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.

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(Amrita Sinha, J.)