

Item No.240

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

04.10.2023
Ct-24

WPA 18447 of 2023
Ajbar Mondal & Anr.

v.

State of West Bengal & Ors.

Mr. Dipankar Mandal
Mr. Abdul Aziz Mondal
... for the petitioners.

Mr. Bibek Jyoti Basu
Mr. Abu Siddique Mallik
... for the State.

Mr. Manas Kumar Das
Mr. Tushar Sil
... for the respondent nos. 7 & 8.

The objection filed by the petitioners against the private respondents alleging unauthorized construction without a sanctioned plan is pending consideration before the Pradhan of the Gram Panchayat.

Both the parties admit that the construction in question is in place for a considerable period of time. However, it appears that the construction was made without obtaining a formal sanction from the Gram Panchayat.

Learned advocate for the private respondents submits, upon instruction that, his clients are residing in the disputed construction for quite some time.

As the construction is in existence for a considerable period of time, the Gram Panchayat is

directed to decide as to whether or not the construction is required to be demolished or removed.

The Panchayat is restrained from entering or deciding any private disputes in between the parties who are brothers.

An opportunity of hearing shall be granted to the parties after conducting a spot inspection upon prior notice to both the parties. The parties shall be heard and final order shall be passed and communicated to the parties.

Learned advocate for the petitioners is directed to forward a copy of the representation dated June 17, 2023 to the Gram Panchayat.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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.)