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05.12.2023
d.p.

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

W.P.A. 21471 of 2023

**Kartik Naskar
-versus
The State of West Bengal & Ors.**

**Mr. Sounak Bhattacharya,
Mr. Saunak Mandal,
Mr. Anirban Saha Roy.
...For the Petitioner.**

**Mr. Omar Faruk Gazi,
Mr. Sandipan Das,
Mr. Subhrajit Saha.
...For the Respondent
Nos. 9 to 11.**

**Ms. Noelle Banerjee,
Mr. Soumik Dey.
...For the Respondent
Nos. 1 and 5.**

The petitioner complains of illegal and unauthorized construction without any sanctioned plan from the Gram Panchayat.

The prayer of the private respondents for raising construction was rejected by the Learned Court below where a Civil Suit is pending consideration in between the parties.

Despite the rejection of the prayer made by the private respondents for permission to complete the room, the private respondents continued with the construction. Submission is that an asbestos shed construction has been made.

I am of the opinion that the construction could not have been made at the instance of the private

respondents after rejection of their prayer by the Learned Civil Court. The Gram Panchayat has also not issued any sanction for raising such construction.

Learned advocate appearing for the private respondents relies upon a consent allegedly issued by the Gram Panchayat for making the construction in September 2022.

As it appears that the prayer for making necessary permission by the private respondents was rejected by a competent Court, the Gram Panchayat could not have given any consent for making the necessary repairs or construction.

The Gram Panchayat is directed to cause a spot inspection to ascertain the nature and extent of the unauthorized construction upon giving prior notice to the necessary parties.

If it is ultimately detected that the construction has been made without any sanction, then necessary remedial steps shall be taken to deal with the same in accordance with law.

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

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.)