

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25837 of 2023

Tarun Ghosh
-versus
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Ms. Madhurima Sarkar
Mr. Samrat Banerjee ...For the Petitioner

Mr. Abhijit Sarkar
Mr. Amit Halder ... For the State respondents

Mr. Rabindranath Mahata For the private respondents

The petitioner alleges that the private respondents 8 and 9 are raising construction over a joint property without a sanctioned plan. A complaint was lodged before the Pradhan of the Gram Panchayet and the Pradhan issued a stop work notice. According to the petitioner, violating the stop work notice, private respondents are merrily continuing with the construction work.

Learned advocate representing the private respondents submits, upon instruction that, the construction work has been stopped after receiving the stop work notice. It has, however, been fairly admitted that no sanctioned plan has been issued

by the Pradhan for raising such construction. The private respondents allege that the petitioners are also responsible for raising unauthorized construction.

Learned advocate representing the State respondents has obtained instruction from the concerned police station.

None represents the Gram Panchayet.

It appears from the submissions made on behalf of all the parties that the issue of raising unauthorized construction is pending consideration before the Gram Panchayet. On receipt of the complaint from the petitioner, stop work notice has been issued. The private respondents submit that construction has been stopped.

As it has been admitted that sanction has not been granted by the Panchayet for raising construction accordingly, the private respondents are restrained from raising any further construction till the objection raised by the petitioner is decided by the concerned Gram Panchayet.

The Inspector-in-Charge, Garbeta Police Station is directed to ensure that construction by either of the parties does not take place at the subject premises till the issue is finally decided by the Gram Panchayet.

The Gram Panchayet is directed to consider and decide the objection filed by the petitioner 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 communication of this order. The reasoned order shall be communicated to the parties immediately thereafter.

The Gram Panchayet shall also take into consideration the allegation of the petitioner regarding illegal filling up of the water body.

It will be open for the Pradhan to seek the assistance of the concerned Block Land and Land Reforms Officer to ascertain whether the land in question is a water body or not.

The report filed by the Officer-in-Charge, Garbeta Police Station is retained with the records.

The writ petition stands disposed.

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

(Amrita Sinha, J.)