

09.11.2023
SL No.37
Court No.5
(rp/gc)

WPA 25890 of 2023

**Ganda Bibi @ Gyannda Bibi Sekh
Vs.
The State of West Bengal & Ors.**

Ms. Pampa Dey Dhabal
...for the Petitioner.

Mr. Santanu Mitra,
Mr. Lal Mohan Basu
...for the State.

1. The petitioner alleges that the private respondents are making illegal and unauthorized construction. It appears that formal complaint is yet to be lodged before the Panchayat authority highlighting such illegality.
2. The petitioner relies upon the order passed by the learned Executive Magistrate directing that no illegal construction be made by the opposite parties, that is, the private respondents herein.
3. The Panchayat is the competent authority to take a decision with regard to the illegal construction.
4. In view of the above and it will be open for the petitioner to make appropriate representation before the Gram Panchayat.

5. In the event such representation is made, the same shall be considered in accordance with law after giving a reasonable opportunity of hearing to all the parties and a reasoned order shall be passed and communicated to the parties.
6. A spot inspection shall be conducted upon prior notice to all the parties to ascertain the nature and extent of unauthorised construction.
7. Learned Advocate for the petitioner submits that the representation will be filed within a week from date.
8. The Panchayat shall consider the same within a period of eight weeks from the date of receipt of the representation to be filed by the petitioner.
9. 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.)