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24.11.2023  
d.p.

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

**W.P.A 26184 of 2023**

**Suman Kumar Das @ Sumon Das  
-versus  
The State of West Bengal & Ors.**

**Ms. N. Mulla,  
Ms. Payel Ghosh,  
Mr. Niladri Sekhar Chakraborty,  
Mr. Suvro P Lahiri.  
...For the Petitioner.**

**Mr. Lakshminath Bhattacharya,  
Mr. Rajib Kumar Acharyya,  
Mr. Mousumi Ranjan Das,  
Mr. Banshi Badan Maity.  
...For the Respondent No.10**

**Mr. K.J. Yusuf,  
Ms. Rupsha Chakraborty.  
...For the State.**

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

The petitioner complains of illegal and unauthorized construction at the behest of the respondent no.10. It has been admitted that the Pradhan has granted sanction for raising construction.

Contention of the petitioner is that the Pradhan is not the competent authority to grant sanction for raising construction.

Objection was allegedly filed before the Pradhan of the Gram Panchayat in October 2023. The same is alleged to be kept pending.

The petitioner also submits that objection was filed before the Chief Executive Officer, Haldia Development Authority which is also kept pending.

From the supplementary affidavit filed in Court today and from the documents annexed to the writ petition, the proof of service of the objection either before the Pradhan or the Haldia Development Authority cannot be ascertained.

Learned advocate appearing for the private respondent denies and disputes the contention of the petitioner. It has been submitted that the writ petition is liable to be dismissed on the ground of suppression of material facts.

It has been submitted that the private respondent made the construction pursuant to the order passed by the learned Civil Court in accordance with the sanction granted by the Pradhan of the Gram Panchayat.

None appears on behalf of the Haldia Development Authority.

Learned advocate appearing for the State respondents is not ready with instruction.

As it appears that an issue has been raised with regard to the jurisdiction of the Pradhan in granting sanction to raise construction contending that the Haldia Development Authority is the competent authority to grant sanction, accordingly, the Court grants it fit to direct the Block Development Officer, Nandigram-II to consider the representation dated 18<sup>th</sup> October, 2023 and 2<sup>nd</sup> November, 2023 filed by the

petitioner in accordance with law, after giving reasonable opportunity of hearing to the petitioner, the private respondent and the representative of the Haldia Development Authority.

All parties will be entitled to rely upon all documents in support of their stand.

The Block Development Officer shall refrain from entering into any civil dispute pending in between the parties. Consideration will only be restricted to the issue of unauthorized construction.

Decision shall be taken by the aforesaid authority at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. Reasoned order shall be passed by the BDO and communicated to the parties immediately thereafter.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 18<sup>th</sup> October, 2023 addressed to the Pradhan of the Gram Panchayat and copy of the representation dated 2<sup>nd</sup> November, 2023 addressed to the Chief Executive Officer, Haldia Development Authority at the time of communicating the order of the Court.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representations of the petitioner.

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.)**