

sJanuary 9, 2023
AD 27
Court No.1
SG

WPA(P) 622 of 2022

Sri Dipankar Mondal and others
vs
The State of West Bengal and others

Mr. Prasenjit Debnath, Advocate
....for the petitioners

Mr. Lalit Mahato, Id. AGP
Mr. Kapil Guha, Advocate
....for the State

Mr. Mir Anuruzzaman, Advocate
....for Rajpur Sonarpur Municipality

Mr. Tanmay Chowdhury,
Mr. Goutam Kr. Maity, Advocates
....for the respondent Nos.12 & 13

In this public interest petition, the allegation of the petitioners i.e. local inhabitants of village Madsar adjacent to village Purba Shitala, is that the private respondents are illegally selling the land situated on the bank of the canal known as 'Suti Khal' for the purpose of construction of houses. Further allegation is that the unauthorised construction on the bank of the canal has been raised.

When the matter is taken up today, learned counsel for petitioners has pointed out that the petitioners had filed a representation dated 02.11.2022 annexure P-4 before respondent No.4, Sub-Divisional Officer, Baruipur but no action on the said representation has been taken till now.

The issue which has been raised by petitioners required spot inspection and ascertainment of the alleged unauthorised and illegal construction which can more appropriately be done by respondent No.4.

Hence, we dispose of the present petition directing respondent No.4 to duly consider the petitioners' representation in accordance with law and ascertain the correctness of the allegation made therein and take appropriate action after giving opportunity of hearing to all the concerned parties. If any unauthorised construction is found on the spot in question, necessary action will be taken to remove the same by following due process of law.

Let the aforesaid exercise be completed within a period of 3 months from the date of receipt of a copy of this order.

Accordingly, the present petition is disposed of.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]