

M. 248 16.04
Ct .2024
No24
AGM

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

WPA 158 of 2024

**Jargis Sk. & Anr.
Vs
State of West Bengal & Ors.**

**Mr. Partha Sarathi Das.
Sk. Saifuddin.
Ms. Shanta Sarkar.
Mr. Debojyoti De.
Ms. Souraja De.**

... For the petitioners.

Affidavit-of-service filed today in Court be kept with the records.

The petitioners complain that the Pradhan of the Gram Panchayat who is the adjacent neighbour of the petitioners is constructing a hanging balcony encroaching upon the private land of the petitioners. The construction is being made without obtaining any sanctioned plan.

Objection is alleged to be lodged before the District Magistrate and other respondent authorities and it has been further alleged that none of the representations has been considered.

None represents the respondents.

As it appears that the petitioners have a specific complaint against the Pradhan of the Gram Panchayat, accordingly, it is doubtful as to whether the Gram Panchayat will be able to take an independent decision in the matter.

In view of the above, the Block Development Officer being the respondent no. 4 herein is directed to consider the representation allegedly filed by the petitioners in December 2023 in accordance with law at the earliest after passing a reasoned order and after affording reasonable opportunity of hearing to all the necessary parties including the respondent no. 7 who is the Pradhan of the Gram Panchayat.

In the event, the allegation made by the petitioners appears to be correct, then the Block Development Officer shall forward the records of the entire proceeding to the Sub Divisional Officer for passing necessary consequential order.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 22nd December, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

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.)