

D/L.10.
November 25, 2024.
KAUSHIK

WPA No. 2544 of 2024
(CAN 1 of 2024)

Sri Basudeb Samanta & Anr.
Vs.
The State of West Bengal and Others

Mr. D. Paul
Ms. S. Upadhyay

... for the petitioner.

Mr. Anindya Bose
Mr. Golam Mohiuddin
Mr. Sukanta Das

... for the respondent no. 5.

Mr. Debnarayan Banerjee
Md. Ahsanuzzaman

...for the State.

The grievance of the petitioner is directed against illegal and unlawful construction by the private respondent.

It is alleged that the private respondent has carried out the impugned instruction without authority of law and without obtaining any sanction plan. The petitioner further alleges that mandatory open space has also not been left open. In this connection he also relies on the photographs and the averments made in the application filed by the respondent in CAN 1 of 2024. It is also alleged that there is a violation of Rule 17 of the West Bengal Panchayat (Panchayat Samity Administration) Rule, 2008.

The above submissions are disputed by private respondents. The private respondents submit that the impugned construction is in accordance with law and appropriate sanction has been taken for carrying out the same.

The Advocate for the State submits that they have no objection if the representation dated January 9, 2024 is considered and disposed of in accordance with law by the concerned Panchayat being the respondent no. 2.

Having considered the submissions made on behalf of the parties, WPA 2544 of 2024 stands disposed of by directing the respondent no. 2 to consider and dispose of the representation of the petitioner dated January 9, 2024 within a period of six weeks from the date of communication of this order and after giving a right of hearing to all the affected parties.

With the above directions, WPA 2544 of 2024 along with CAN 1 of 2024 stand disposed of.

In considering the above representation, the respondent no. 2 shall not be influenced by any observation or finding made in this order and shall consider the same in accordance with law.

(Ravi Krishan Kapur, J.)