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05.11.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 4112 of 2023

Sri Gobinda Mondal
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity,
Ms. Nupur Chaudhuri
...for the petitioner

Mr. Rudranil De
...for the State

The Affidavit of Service filed by the petitioner be kept with the records. Despite service, the private respondents remain unrepresented.

The grievance of the petitioner is directed against unauthorized and illegal construction at the subject premises by the private respondent nos. 8 to 11.

It is submitted on behalf of the petitioner that despite pendency of a partition suit, being T.S. No. 80 of 1961 and the connected second appeal, the private respondent nos. 8 to 11 have carried out illegal and unauthorized construction at the subject premises. It is further alleged that by carrying out the impugned construction, the private respondents have also changed the nature and character of the suit premises.

Pursuant to an order of this Court, the State respondents have filed a Report dated July 26, 2024. A copy of the Report be kept with the records.

Upon inspection it has been found by the State respondents that no permission has been taken by the private respondents for carrying out the additional construction. The factum of illegal and unauthorized construction is confirmed in the above Report.

In view of the admitted and indisputable fact that the illegal and unauthorized construction has been carried out by the private respondent nos. 8 to 11 at the subject premises, the respondent no. 6, being the Pradhan, Chandi Gram Panchayat, is directed to take necessary steps for removal and demolition of the said unauthorized construction in accordance with section 23 of the West Bengal Panchayat Act, 1973.

With the above directions, W.P.A. No. 4112 of 2023 stands disposed of.

There shall however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)