

26 16.01.2024
rkd Ct.15

W.P.A. 1575 of 2016
(IA NO: CAN 1/2016 (Old No: CAN 9477/2016))

Ramjan Molla & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Satyajit Mondal,
Mr. Amar Nath Sen,
Mr. Malay Dhar,
Mr. Shouvik Naskar

....for the petitioners.

Mr. Lakshminath Bhattacharya,
Mr. S. Nath

....for the respondent nos.9 to 11.

Mr. Jahar Dutta,
Mr. Bipin Ghosh

....for the State.

The writ petition centers around allegation of raising illegal construction by the respondent nos.9 to 11.

The learned advocate representing the petitioners submits that a complaint was lodged before the Prodhan, Ramgopalpur Gram Panchayat, District-South 24 Parganas far back on 14th January, 2016 but based on such complaint no steps have been taken by the concerned respondent authorities against alleged unauthorised construction made by the private respondents. Petitioners pray for necessary direction for demolition of the construction made by the aforesaid private respondents.

State is represented by the learned

advocate who has placed before this Court two Memoranda dated 7th December, 2018 and 13th December, 2018 issued by the Block Development Officer, Kakdwip Development Block and Prodhan, Ramgopalpur Gram Panchayat respectively. Such Memoranda dated 7th December, 2018 and 13th December, 2018 are taken on record.

It has been submitted on behalf of the State respondents that the concerned BDO made queries from the Prodahn of the concerned Gram Panchayat whether the aforesaid private respondents made the constructions as complained by the petitioners upon obtaining permission from the panchayat authorities or not. On receipt of such queries the Prodhan, Ramgopalpur Gram Panchayat had intimated the concerned Block Development Officer vide memo dated 13th December, 2018 that based on field enquiry it was ascertained that construction work was carried out for making eight rooms along with balcony which commenced three years back and completed upto plinth level by the aforesaid private respondents but no permission was accorded by the concerned authority of Ramgopalpur Gram Panchayat.

Aforesaid private respondents are represented by learned advocates who has opposed

the prayer of the petitioners on the score that no construction was carried out by the private respondents; moreover after filing of this writ petition no progress was made so far alleged construction is concerned to complete building.

Having considered the submissions made on behalf of the parties and on perusal of the complaint dated 14th January, 2016, two Memoranda dated 7th December, 2018 and 13th December, 2018 it transpires that alleging unauthorised construction by the respondents nos.9 to 11 a complaint was lodged based on which concerned BDO, Kakdwip Development Block vide memo dated 7th December, 2018 directed the Prodhan, Ramgopalpur Gram Panchayat to take steps if such construction has been raised without obtaining permission from the concerned respondent authorities. After that nothing is on record from where it can be inferred that steps were taken by the respondent authorities based on the complaint of the petitioners dated 14th January, 2016.

In view of aforesaid facts, the Prodhan, Ramgopalpur Gram Panchayat being respondent no.7 is directed to forward the matter to the Sub-Divisional Officer, Kakdwip being the respondent

no.4 within fortnight from the date of communication of this order along with necessary documents.

The respondent no.4 on receipt of documents from the respondent no.7 is directed to take decision in accordance with law after granting opportunity of hearing to the petitioners and the respondent nos.9 to 11 or their representatives within a period of twelve weeks thereafter.

The order to be passed by the respondent no.7 shall be communicated to the parties within one week thereafter.

With the aforesaid direction, the writ petition stands disposed of.

Application, if any pending, also stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)