

22.05.2024
Sl. No.1894
g.b.
Court No.24

WPA 4223 of 2023

Supriya Biswas
-Vs-
The State of W. B. & Ors.

Mr. Biplab Guha
Mr. Kausik Biswas
.....For the Petitioner
Mr. Jahar Dutta
Mr. Bipin Ghosh
.....For the State

Affidavit of service taken on record.

None represents the private respondents.

The petitioner prays for consideration of her representation dated 25.01.2023.

It has been submitted by the petitioner that unauthorized construction has been made by the private respondents.

In view of the order that I propose to pass none of the non-appearing respondents would be prejudiced if the writ petition is disposed of in the following manner.

Without entertaining the merit of the claim of the petitioner, as it has been submitted that representation is pending consideration before the Gram Panchayat, accordingly, the instant writ petition is disposed of directing the respondent no.7 being the Pradhan, Gram Panchayat to consider the representation in accordance with law after giving reasonable opportunity of hearing to all the parties and pass a reasoned order.

The Panchayat Pradhan is directed to cause a spot inspection to ascertain the allegation of the petitioner upon prior notice to the necessary parties.

Spot inspection report shall be circulated to all the parties and thereafter opportunity of hearing be granted to

the parties for production of documents in support of the construction made.

If no document can be produced by the persons responsible for making construction, then necessary steps shall be taken by the Gram Panchayat to deal with the unauthorized construction in accordance with law.

Steps shall be taken at the earliest but positively within twelve weeks from the date of communication of this order.

The aforesaid respondent shall take all remedial measures to remove the illegalities as detected.

Learned advocate for the petitioner is directed to forward a copy of representation dated 25.01.2023 to the respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

The report filed by the ASI of Police, Karimpur Police Station dated 02.03.2023 be retained with the record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Amrita Sinha, J.)