

36 08.7.2024  
Sc Ct. no.2

**WPA 8358 OF 2024**

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Rajib Lochan Panigrahi & Anr.

Vs.

The State of West Bengal & Ors.

Ms. Kakali Pal

... For the Petitioners

Affidavit-of-service, filed in Court today, is taken on record.

Ms. Kakali Pal, learned advocate appears for the petitioners.

The respondents including the Panchayat and its Pradhan are not represented, despite notice. The law presumes that, they do not intend to oppose this writ petition.

Referring to the decision of the Pradhan of the concerned Panchayat dated **May 23, 2023, Annexure-P7 at page 26** to the writ petition, learned advocate for the petitioners submits that, the Pradhan has already formed its opinion that, the alleged construction is unauthorized and illegal and the private respondent was directed to remove the same. An appeal was preferred by the private respondent being **FMA 334 of 2023** in which an order was passed on **June 21, 2023, Annexure-P8 at page 29** to the writ petition by the Hon'ble Division Bench. There was a direction that, the Panchayat authority was directed not to take any coercive step **till the end of**

**June 2023.** Such period has already elapsed long back. The appeal stood disposed of.

In view of the above, the respondent no.4 is directed to take immediate step to give an immediate effect to the said decision of the Pradhan dated **May 23, 2023**, as referred to above, in accordance with law as expeditiously as possible without any delay.

If necessary, the respondent no.4 shall take all the assistance from the respondent no.8 to implement the said decision of the Pradhan in accordance with law and the respondent no.3 in such event shall render all necessary assistance without any failure to the respondent no.4.

It is needless to mention that, if any assistance is required from the respondent no.6, the respondent no.4 shall also call for the same and the respondent no.6 shall render all necessary assistance to the respondent no.4 in this regard.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 8358 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**