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02.04.2024
Ct. No.24
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12380 of 2023

Sk. Rafikul Islam
Vs.
The State of West Bengal & Ors.

Mr. Rafikul Islam Sardar
... For the petitioner

Mr. Anindya Sunder Das
Mr. Ratul Deb Banerjee
Mr. Subrata Mondal
... For the respondent no.6

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

The petitioner alleges illegal and unauthorised construction at the behest of the private respondent.

On a perusal of the documents annexed to the writ petition, it does not appear that the petitioner filed any representation before the Gram Panchayat highlighting unauthorised construction.

According to the provisions of law, Panchayat is the competent authority to deal with unauthorised constructions made within the jurisdiction of the Panchayat. In the instant case, there is no such objection before the Gram Panchayat.

In view of the above, the writ petition is disposed of by granting leave to the petitioner to file a comprehensive representation before the Gram Panchayat highlighting all illegality at the time of making construction at the behest of the private respondent.

In the event such representation is made, the same shall be considered by the Gram Panchayat strictly in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

A spot enquiry shall be conducted to ascertain the exact nature and extent of unauthorised construction. The report of spot inspection shall be circulated amongst the respective parties. Thereafter an opportunity of hearing shall be given to the parties and a reasoned order shall be passed and communicated to the parties immediately thereafter.

Steps shall be taken in the matter immediately upon receipt of the representation from the petitioner.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)