

D/L.51.
December 4, 2024.
KAUSHIK

WPA No. 12572 of 2023

Momrej Molla
Vs.
The State of West Bengal and Others

Mr. Giasuddin Molla
Mr. Soumitra Banerjee
... for the petitioner

Mr. Tanweer J Mandal
... for the respondent no. 3

Mr. Jaharlal Roy
Ms. Kavita Rani
... for the respondent no. 7

Mr. Ansar Mondal
Ms. Shipra Majumder
Ms. Sangeeta Roy
... for the State

The grievance of the petitioner is directed against an alleged illegal and unauthorised construction on a land being plot no. 756, K.B. Khatian No. 441, Khatian No. 944/1, J.L. No. 140 of Mouza - Hogladuri.

It is submitted on behalf of the petitioner that the private respondents are making unlawful and illegal construction at the subject premises and the same ought to be demolished.

On behalf of the private respondents, it is contended by an application dated June 6, 2023, the private respondents had sought for permission, which was granted on May 28, 2023.

On behalf of Panchayat Authorities, it is submitted that no permission for carrying on any construction work has been taken in accordance with law. In fact, there is a defective application, which is lying with the Authority and the private respondent nos. 7 and 8 are obliged to correct the same. As such there is no application for carrying out any construction work.

In view of the grievances made by the petitioner and in the light of section 23 of the West Bengal Panchayat Act, 1973, WPA 12572 of 2023 is disposed of by directing the concerned Panchayat Authority being the respondent no. 3 to consider and dispose of the representation of the petitioner dated April 8, 2023 within a period of six weeks from the date of communication of this order to the said respondent and after giving a right of hearing to all the affected parties including the petitioner, in accordance with law and without being influenced by any observation made in this order.

It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the respondent no. 3.

With the above directions, WPA 12572 of 2023 stands disposed of.

There shall 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.)