

10.06.2024  
Ct. No. 2  
Sl. No. 27  
tbsr

**WPA 12638 of 2023**

**Rezaul Kalam**  
**Vs.**  
**Begampur Bibipur Gram Panchayat & Ors.**

Mr. Subir Banerjee  
Mr. Rasidul Islam Molla  
.....for the Petitioner

Mr. Kallol Kumar Basu  
Mr. Jannat ul Firdous  
....for the respondent no. 7

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

Mr. Kallol Kumar Basu, learned advocate appears for respondent no. 7.

None appears for rest of the respondents.

The petitioner complains of illegal and unauthorized construction at the subject premises caused by the respondent no. 7. The petitioner submitted a representation dated **April 26, 2023, Annexure P-9 at page 43** to the writ petition *inter alia* before the respondent no. 2 but the same has not received his attention.

Learned counsel for the respondent no. 7 submits that, under the Pradhan Mantri Abas Yojona the construction has been carried out and it is a

construction of a mere hut and there is no violation of any sanction plan.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no. 2 is directed upon issuing a prior hearing notice of at least 7 days to the petitioner and the respondent no. 7 and upon making a physical survey at the subject property in their presence shall decide the said representation dated **April 26, 2023, Annexure P-9 at page 43** to the writ petition, after giving him an opportunity of hearing and by passing a reasoned order.

The entire exercise as directed above shall be carried out and completed by the respondent no. 2 positively within a period of six weeks from the date of communication of this order. The respondent no. 2 then shall communicate its reasoned order to the petitioner and the respondent no. 7 positively within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claims and rival claims of the parties. The parties shall be at liberty to urge whatever points they wish to urge before the respondent no. 2 by relying upon whatever records and documents they wish to rely upon.

No illegal act is permitted to be continued in violation of the statute and/or rules. Therefore, if the reasoned order comes to a specific finding that there is any illegal or unauthorized construction at the subject premises, the respondent no. 2 and/or any other appropriate authority of the Panchayat shall take steps against such illegal construction strictly in accordance with law positively within a period of four weeks from the date of communication of the reasoned order to the petitioner and the respondent no. 7.

The respondent no. 4 shall render all necessary assistance, if the same is asked for by the Panchayat authority to enable it to act in accordance with law.

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

It is clarified that if the construction alleged is found not to be illegal and unauthorized then the Panchayat authority shall not take any coercive step against such construction.

On the above terms this writ petition **WPA 12638 of 2023** stands **disposed of** without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

**(Aniruddha Roy, J.)**