

06.09.2024

Sl.No. 9
Ct.No. 32
Amalranjan

ASSIGNED MATTER

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14574 of 2023

Sarojini Maity and ors.
Vs.
The State of West Bengal and ors.

Sk. Jayed Hossain

...for the petitioners

Mr. Sukanta Chakraborty

Mr. Anindya Halder

...for the private respondent no. 6

1. In spite of service, nobody appears on behalf of the State respondent nos. 1-5 on call. No accommodation was sought for.
2. Heard learned advocates for the parties.
3. Learned advocate appearing on behalf of the petitioners submits that the private respondent no. 6 has made illegal construction in a plot of land measuring 111 decimals under Frezarganj PS, Mouza – Dakshin Shibpur, J.L. No. 19, Dag No. 1723. The category of land is Sali land.
4. The writ petitioners have made a representation before the BDO, Namkhana Block, District - South 24 Parganas intimating about the illegal construction and for taking necessary steps.

5. Despite representation, no steps have been taken by the appropriate authority. The petitioners pray for a direction upon the BDO to take appropriate steps upon hearing the parties and stop the illegal construction and/or pass a demolition order.
6. On the other hand, learned advocate for the private respondent no. 6 contended that the construction was made in the year 1996 with a sanctioned plan granted by the Panchayat.
7. In view of the above facts and circumstances, BDO, Namkhana Block, District - South 24 Parganas is directed to consider and decide the matter after affording sufficient opportunity of hearing of the interested parties and pass a reasoned order considering the representation (Annexure – P2) within 6 weeks from the date of communication of the order and communicate the reasoned order to the parties concerned within one week thereafter.
8. Since no affidavit exchanged between the parties or invited, the allegations contained in the writ petition are deemed not to be admitted.

9. In view of the observations made above, the instant writ petition being **WPA 14574 of 2023** is, thus, disposed of without any order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, is to be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)