

S/L 4
24.09.2024
Court. No. 551
Suvayan

WPA 16607 of 2024

Krishna Chandra Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Joy Chakraborty
Mr. Sandip Dinda
Mr. Ranjit Malakar

...for the petitioner.

Ms. Mekhla Saha
Ms. Malabika Roy Dey

...for the Howrah Zilla Parishad.

Mr. Subhasish Pachhal
Mr. Debendra Ghoshal

...for the respondent no. 8.

1. The affidavit-of-service as filed by the learned Advocate for the writ petitioner be taken on record.
2. By filing the instant writ petition the writ petitioner has complained regarding raising of unauthorized construction at the instance of the private respondent no. 8 at L.R. Dag/Plot no. 1023, L.R. Khatian nos. 935, 1663, J.L. no. 17, Mouza-Ula, P.S. Sankrail, District-Howrah within Nalpur Gram Panchayet which is, however, disputed on behalf of the private respondent no. 8.
3. It is submitted by the learned Advocate for the respondent no. 8 that in between the writ petitioner and the private respondent no. 8 a civil suit is pending wherein the *ad interim* order has already been vacated by an order dated 16.04.2024 by the competent civil court in T.S. no. 116 of 2024.

4. It is settled proposition of law that in the event a person intends to erect any new building over a plot of land he has to seek a permission from the concerned Panchayet under Section 23 Sub-Section (1) of the West Bengal Panchayet Act, 1973.

5. It is alleged on behalf of the petitioner that no such permission is taken though such contention has been disputed on behalf of the private respondent no. 8.

6. Such being the position, this Court while disposing the instant writ petition direct the respondent no. 6, i.e., the Pradhan, Nalpur Gram Panchayat, Village and P.O. – Nalpur, P.S. – Sankrail, District – Howrah, Pin – 711310 to cause inspection through its officials as to whether the alleged construction over the aforementioned plot is actually going on in accordance with the sanctioned plan or not and/or without any sanctioned plan and in the event it is found that such construction is going on illegally and/or in contravention of the plan obtained by the private respondent no. 8 and/or without taking any permission from the concerned Panchayet the respondent no. 6 shall take up the matter with the respondent no. 7, i.e., the Officer-in-Charge of Sankrail Police Station who shall take immediate steps for stoppage of the work of the alleged illegal construction.

7. It is further ordered that in case of detection of violation of the provision of Section 23 Sub-Section (1) of the said Act the Pradhan of Nalpur Gram Panchayet shall refer the matter to the concerned S.D.O. under Section 23

Sub-Section (5) of the said Act positively within a fortnight from the detection of the violation of the provision of Section 23 Sub-Section (1) of the said Act.

8. With the aforementioned observations, the instant writ petition being **WPA 16607 of 2024** is hereby disposed of.

9. The respondent no. 6, i.e., the Pradhan, Nalpur Gram Panchayat, Village and P.O. – Nalpur, P.S. – Sankrail, District – Howrah, Pin – 711310 is directed to act on the server copy of this order and he/she shall cause inspection of the alleged construction positively within a week from the date of communication of this order after serving notice to the writ petitioner as well as to the private respondent no. 8.

10. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)