

05-02-2024
ct no. 24
Sl. 33
Sayandeep

WPA 16021 of 2023

Asim Kr. Das
-Versus-
The State of West Bengal & Ors.

Mr. Jagabandhu ray
Mr. Manish Kumar Das
...for the petitioner

Mr. L.M. Mahata, AGP
Mr. Rudranil De
..... for the State

Mr. Binoy Kr. Das
.... For the pvt. Respondent Nos. 5 and 6

The petitioner complains that steps consequent to the communication made by the Gram Panchayat regarding removal of unauthorized construction by the Sub-Divisional Officer, Contai have not been initiated.

The petitioner relies upon a communication made by the Pradhan in Charge of the Gram Panchayat that no permission was granted in favour of the private respondent to make construction.

The Pradhan forwarded the report of unauthorized construction to the Sub-Divisional Officer, Contai Sub-Division in August, 2022.

Allegation is that the Sub-Divisional Officer has not taken any consequent steps in the matter.

Learned advocate representing the private respondents submits, upon instruction that, the construction has been made under the Central Scheme and no permission is required from the Panchayat for raising such construction.

Both the petitioner and the private respondents submit that they are the owners of the subject plot of land.

Without entering into the allegation and counter allegation of the parties, as it appears that a representation made by the petitioner before the Sub-Divisional Officer requesting consequential steps to be taken in response to the communication made by the Pradhan in Charge on 22nd August, 2022 is pending consideration at the end of the Sub-Divisional Officer, Contai, accordingly, the instant writ petition is disposed of by directing the Sub-Divisional Officer, Contai to take a decision on the representation filed by the petitioner on 22nd March, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively within 12 weeks from the date of communication of this order.

All the parties shall be permitted to rely upon documents in support of their respective stand at the time of hearing before the Sub-Divisional Officer. If any consequential steps are required to be taken, the same shall be taken by the Sub-Divisional Officer at the earliest.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 22nd March, 2023 along with other relevant documents to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)