

Court No. 2

24.6.2024

(Item No. ML-
123)

(AB)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 16022 of 2023

Abu Taher Molla

VS

The State of West Bengal & Ors.

Mr. Mukteswar Maity

Ms. Nupur Chaudhuri

.... For the petitioner

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

The petitioner complained of an unauthorized and illegal construction on the subject piece of land.

The issue has already travelled in a previous writ Court and the writ petitioner was disposed of.

Following the direction passed by the co-ordinate bench in the previous writ petition the Pradhan of the concerned Gram Panchayat found the alleged construction to be illegal and unauthorized.

Mr. Mukteswar Maity, learned advocate appearing for the petitioner referring to a communication dated **August 23, 2022, annexure P-7** at **page 35** to the writ petition submits that the Pradhan had referred the matter before the respondent No. 4 in terms of **sub-Section 5 to Section 23 of the West Bengal Panchayat Act, 1973** but no further step has been taken following the statutory prescription by the respondent No. 4.

Despite notice the respondent No. 4 chose not to be represented. The law presumes the respondent No. 4 does not want to defend this writ petition.

In view of the above, respondent No. 4 is directed to take all necessary steps following the due process of law to give effect to the communication of this Pradhan dated **August 23, 2022, annexure P-7** at **page 35** to the writ petition positively within a period of **eight weeks** from the date of communication of this order.

The affidavit of service further shows that due notice was served upon private respondent Nos. 8 and 9 but still they also chose not to be represented. The law presumes that they do not intend to oppose this writ petition.

After carrying out the direction as directed above the respondent No. 4 shall communicate the petitioner in writing that it has duly complied with the statutory obligation on its part.

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

On the above terms, this writ petition **W.P.A 16022 of 2023** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)