

Court No. 24

09.04.2024

(A 227)

(S. Banerjee)

WPA 23866 of 2023

Avijit Nath

Vs.

The State of West Bengal & Ors.

Mr. Ayan Kumar Borah

Mr. Sabyasachi Bhattacharjee

...for the petitioner

Mr. Arnab Mukherjee

Mr. S. Manna

...for the respondent nos. 8, 9 and 10

The issue of unauthorized construction was directed to be considered by the Court vide order dated 15th May, 2023 passed in WPA 7739 of 2023. The Pradhan has directed the parties to produce the building permission document and has further directed the parties to make measurements and thereafter communicate the same to the Pradhan.

The Pradhan is yet to decide the issue conclusively as to whether there exists any unauthorized construction or not.

Learned advocate representing the private respondents submits, upon instruction that, a suit for adverse possession is pending consideration before the learned Civil Court. The private respondents are residing at the subject premises for more than a century.

The Court vide order dated 15th May, 2023 granted liberty to the petitioner to indicate the details of the illegalities alleging unauthorized construction. The said details are not annexed in the present writ petition.

It has been submitted that the same was filed before the Pradhan of the Gram Panchayat.

The Pradhan is, accordingly, directed to conclude the process of hearing and to decide as to whether there is any unauthorized construction or not. The decision shall be taken at the earliest but, positively within a period of twelve weeks from the date of communication of this order.

The writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Amrita Sinha, J.)