

27
05.03.2024
NB

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 24220 of 2023

Attinul Haque
Vs.
The State of West Bengal & Ors.

Md. Jalaluddin,
Mr. Syed Nasirul Hossain.
...for the petitioner.

Mr. Debjit Mukherjee,
Mr. A. Mukherjee.
...for the State.

Mr. Sunil Kr. Gupta,
Mr. Harilal Islam.
...for the respondent no.2.

Mr. Shibasish Chatterjee,
Mr. Aritra Roy Chowdhury.
...for the respondent nos.8&9.

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

The petitioner complains that the private respondents have raised construction over the panchayat road. On the said allegation, the petitioner moved an earlier writ petition being *WPA 9183 of 2022* which stood disposed of by the order of the Court on 31st January, 2023.

By the said order, the Court directed the Gram Panchayat to cause an inspection and thereafter afford opportunity of hearing to the parties and take steps in terms

of Section 23(5) of the West Bengal Panchayat Act, 1973 or in terms of Section 25(2) in case the construction is found on a public street.

Learned advocate representing the petitioner submits that the Panchayat did not conduct the inspection as directed. Sketch map as directed to be prepared at the time of spot inspection has also not been prepared. The Panchayat, on the contrary, has issued a permission dated 9th February, 2023 in favour of the private respondents mentioning that the Panchayat does not have any objection in the event the construction is made over Dag No.4633.

The act of the Panchayat appears to be contrary to the direction passed by the Court on 31st January, 2023.

None represents the Panchayat.

To find a solution to the problem, the Court directs the Block Development Officer, Nabagram Block to cause a spot inspection upon notice to the necessary parties including the Panchayat and thereafter take steps in terms of the direction passed by the Court on 31st January, 2023 in *WPA 9183 of 2022*.

If it ultimately transpires that construction has been made over public road, then necessary steps shall be taken to deal with the same in accordance with law.

Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the order of the Court dated 31st January, 2023 passed in *WPA 9183 of 2022* along with the representation dated 29th August, 2023 to the Block Development Officer for compliance.

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.)