

WPA 24512 OF 2018

Chittaranjan Pal
Vs.
The State of West Bengal & Ors.

Mr. Keshab Chandra Das
..... For the Petitioner
Ms. Anwari Quraishi
..... For the Respondent
Nos. 1 to 3
Mr. Niladri Sekhar Ghosh
..... For the Respondent
No.10

Mr. Keshab Chandra Das, learned counsel appears for the petitioner.

Ms. Anwari Quraishi, learned counsel appears for the respondent nos.1 to 3. She submits a report dated **December 12, 2018** under the seal and signature of the concerned Prodhan confirming that, the alleged construction is illegal and unauthorized as there was no sanctioned plan, issued by the concerned Panchayat. The communication of the respondent no.6 dated **December 12, 2018** is also there. Such reports are taken on record.

Mr. Niladri Sekhar Ghosh, learned counsel appears for the private respondent no.10.

Rest of the respondents including the Panchayat, and concerned Pradhan are not represented, despite

service. The law presumes that, they do not intend to defend this writ petition

The petitioner complains of an illegal and unauthorized construction on the subject piece of land at the behest of the private respondent no. 10. The petitioner submitted a representation dated **November 12, 2018, Annexure-P2 at page 14** to the writ petition before the Pradhan of the concerned Panchayat, still the same has not been considered.

In view of the above, since the construction has been found to be illegal and unauthorized and without any sanctioned plan, the petitioner shall serve a copy of this order upon the respondent nos. 6, 8 and the jurisdictional Sub-Divisional Officer. Upon receiving a copy of this order, the Pradhan of the concerned Panchayat shall immediately transmit the same and refer the matter before the jurisdictional **Sub Divisional Officer** positively within a period of **three days** from the date of receiving the said order.

Upon receiving the communication from the Pradhan and also after receiving this order, the jurisdictional Sub-Divisional Officer shall immediately take steps in accordance with **Sub Section (5) to Section 23** of the **West Bengal Panchayat Act, 1973** positively within a period of **one week** from the date of receiving this order.

The jurisdictional **Sub-Divisional Officer** then shall take all consequential steps with regard to the said unauthorized and illegal construction and shall complete its action positively within a period of **six weeks** from the date of commencement of its steps under **Section (5) to Section 23** of the **Panchayat Act** expeditiously without any delay, in accordance with law. The jurisdictional Sub-Divisional Officer then shall communicate the completion of its action to the petitioner within the said period of **six weeks**.

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

With the above observations and directions this writ petition, **WPA 24512 of 2018** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)