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07.11.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25799 of 2024

Md. Ali Akbar
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharyya,
Mr. Sounak Mandal
...for the petitioner

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar
...for the respondent nos. 13 to 15

The Affidavit of Service filed today be kept with
the records

The grievance of the petitioner is directed
against unauthorized construction. It is submitted
on behalf of the petitioner that the petitioner has
made a representation dated September 09, 2024,
but the respondent no. 10, being the Pradhan,
Kankalitala Gram Panchayat, District-Birbhum
has failed to bring the proceeding to a logical
conclusion and has not passed any final order. The
petitioner also relies on a notice for hearing dated
September 05, 2024, which was attended by the
petitioner and the private respondents but the
proceeding has not attend finality.

It is submitted on behalf of the private
respondents that there has been no illegal

construction and they have a valid sanction plan, which permits such construction.

In view of the above, W.P.A. No. 25799 of 2024 stands disposed of by directing the respondent no. 10 to take a final decision in respect of the above representation filed by the petitioner within a period of eight weeks from date strictly in accordance with law.

It is made clear that there has been no adjudication on the merits of the case and the respondent no. 10 is to act strictly in accordance with law and in compliance with Section 23 of the West Bengal Panchayat Act, 1973.

Since no Affidavit-in-Opposition has been filed, the allegations contained in the writ petition are not admitted by the respondents.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)