

15 13.03.2024
AGM/NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 25625 of 2023

Tanay Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Rishabh Ahmad Khan,
Mr. Md. Nazish Khan.
..for the petitioner.

Mr. Suman Ghosh,
Ms. Munmum Tewary.
...for the State.

Perused the report filed by the Panchayat.

It appears therefrom that the complaint of unauthorised construction made by the petitioner was considered and Panchayat detected unauthorised construction.

Spot inspection report was circulated and opportunity of hearing was given to the parties.

The Panchayat vide communication dated 29th December, 2023 forwarded its finding to the Sub-Divisional Officer for taking necessary consequential action in the matter.

Copy of the report including the communication of the Gram Panchayat dated 13th December, 2023 has been handed over to the learned advocate representing the petitioner.

It will be open for the petitioner to take further steps in accordance with law.

The Sub-Divisional Officer being the respondent no.5 herein is directed to take necessary consequential steps in

response to the findings of the Gram Panchayat in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of this order.

Learned advocate for the petitioner submits that despite a finding that there is unauthorised construction and despite stop work notices issued, the private respondent is merrily continuing with the construction work.

The Inspector-in-Charge, Raiganj Police Station is directed to keep strict vigil over the property to ensure that construction in any manner whatsoever is not carried out at the subject premises till the matter is finally disposed of by the Sub-Divisional Officer.

The private respondent is restrained from raising any further construction and further restrained from selling/transferring/alienating the unauthorised construction in favour of any third party.

The writ petition stands disposed of.

Report filed by the Inspector-in-Charge, Raiganj Police Station be retained with the records.

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

(Amrita Sinha, J.)