

Item No.16

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

15.04.2024
Ct-24

WPA 26321 of 2023

Subrata Mondal

v.

The State of West Bengal & Ors.

Mr. Subhrangshu Panda

Ms. Ina Bhattacharyya

Ms. Mithu Singha Mahapatra

Ms. Horitri Roy

... for the petitioner.

Mr. Mridul Kanti Sasmal

... for the private respondent.

Mr. Soumik Dey

... for the State.

Ms. Mekhla Sinha

... for the Howrah Zilla Parishad.

A report has been prepared and filed by the Executive Assistant, Dhulasimla Gram Panchayat and the Nirman Sahayak of the said Gram Panchayat.

From the said report it appears that a spot inspection was conducted and it was found that a one storied building measuring 1200 Sq. ft. was constructed by the private respondents. No plan was sanctioned by the Gram Panchayat for raising such construction at the subject plot of land.

From the information forwarded by the Gram Panchayat to the Block Development Officer it is evident that unauthorized construction has been detected and accordingly, the same is liable to be dealt with in accordance with law.

In view of the above, the Pradhan of the Gram Panchayat is directed to take appropriate steps to deal with the unauthorized construction in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Executive Assistant and the Nirman Sahayak shall assist the Pradhan to take an appropriate decision in the matter, in the event, the Pradhan is independently not able to adjudicate the issue.

The Pradhan of the Gram Panchayat shall afford an opportunity of hearing to all the necessary parties and thereafter forward all the documents in connection with the aforesaid case to the Sub-Divisional Officer for proceeding further in the matter.

The Sub-Divisional Officer shall conclude the proceeding within a period of eight weeks from the date of receipt of all documents from the Gram Panchayat.

The Officer-in-Charge, Uluberia 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.

It will be open for the petitioner to approach the police if there is any threat to his life and property.

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.

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(Amrita Sinha, J.)