

Item No.20

07.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26691 of 2023
Rejaul Mondal

v.

The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
... for the State.

The petitioner filed an earlier writ petition complaining of illegal and unauthorized construction made at the behest of the private respondent. The Court vide order dated August 23, 2022 passed in WPA 6606 of 2022 directed the respondent authorities to consider and dispose of the complaint filed by the petitioner after giving reasonable opportunity of hearing to the parties. The time period within which the order was to be complied expired long back.

It appears that the Pradhan issued a notice for conducting hearing on June 12, 2023 but the petitioner alleges that neither the hearing took place nor any order passed in the matter. No spot inspection was conducted to ascertain the nature of the unauthorized construction.

None represents the respondents.

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

As it appears that direction was already passed in August 2023 for consideration of the complaint of unauthorized construction filed by the petitioner which

has not been complied, accordingly, the Executive Officer of the Dakshin Barasat Gram Panchayat is directed to take steps for compliance of the direction passed in the order dated August 23, 2022.

A spot inspection upon prior notice shall be conducted to ascertain the exact nature and extent of unauthorized construction within a fortnight from the date of communication of this order.

The report of spot inspection shall be circulated amongst the parties. Thereafter, an opportunity of hearing shall be provided to permit the parties to produce documents in support of the construction made.

If there is no supporting document in respect of the subject construction, then necessary order shall be passed to deal with the unauthorized construction.

The complaint of the petitioner shall be considered and concluded at the earliest but latest within a period of six weeks from the date of circulation of the spot inspection report.

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.)