

23.04.2024
Item No.23
AB
Ct. No. 24

WPA 27975 of 2023

**Dibyendu Narayan Kar
Vs
The State of West Bengal & Ors.**

Sk. Rejaul Alam For the Petitioner.

Mr. Salil Kr. Maity,
Ms. Dolon SamantaFor the Respondent No.8.

Ms. Mitali Mukherjee,
Ms. Rajyashree Mukherjee....For the State.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent. Specific contention is that the mandatory side open spaces have not been maintained at the time of raising construction. Objection filed against such unauthorized construction is alleged to be kept pending before the Gram Panchayet.

Learned Advocate representing the private respondent submits that construction has been made in accordance with the plan sanctioned.

On a perusal of the writ petition it does not appear that the objection filed before the Gram Panchayet was formally made.

In view of the above, it will be open for the petitioner to submit the objection before the Gram Panchayet.

The Panchayet is directed to take steps to consider and decide the objection filed by the petitioner in

accordance with law, after causing a spot inspection to ascertain the nature and extent of unauthorized construction. The spot inspection report be circulated to the parties and an opportunity of hearing be granted thereafter to all the necessary parties.

If it ultimately transpires that unauthorized construction exists, necessary steps to deal with the same shall be taken. Steps shall be taken in the matter at the earliest but positively within twelve weeks from the date of submission of the objection.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after compliance with all the necessary formalities.

(Amrita Sinha, J.)