

25
12.03.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 28018 of 2023

**Dinabandhu Das Bairagya
-versus
The State of West Bengal & Ors.**

**Ms. Pampa Dey (Dhabal).
...For the Petitioner.**

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

The petitioner alleges that he intended to file an objection before the Pradhan of the Gram Panchayat highlighting the illegal and unauthorized construction being made at the behest of the private respondents. The objection was forwarded to the Panchayat Samity and the Block Development Officer who accepted the same. The Pradhan of the Gram Panchayat refused to accept the objection. The unserved envelope has returned to the petitioner.

According to law, Gram Panchayat is the competent authority to enquire and decide the issue of unauthorized construction within the jurisdiction of the Gram Panchayat. It was absolutely improper for the Pradhan of the Gram Panchayat to refuse to accept the objection which was forwarded by the petitioner.

Accordingly, the petitioner is directed to serve a further copy of the objection in the office of the Block

Development Officer, Galsi –No.I who shall forward the same to the Pradhan of the Gram Panchayat for consideration of the same in accordance with law.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction. After circulation of the spot inspection report reasonable opportunity of hearing shall be given to all the necessary parties.

In the event the aforesaid respondent is of the considered opinion that construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The Panchayat Authority will not decide the right, title and interest of the parties and will restrict the decision only with regard to unauthorized construction being made without a sanctioned plan.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 23rd June, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

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.

(Amrita Sinha, J.)