

D/L 20
09.04.2024
Court No. 24
Sayandeep

WPA 28234 of 2023

Madhab Chandra Guchhait
Vs.
State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. Salil Kumar Maity
Mr. Vishal Mallick

...for the petitioner

Ms. Sangeeta Roy
Ms. Rajyashree Mukherjee

.....for the State

Mr. Amartya Basu

....for the respondent No. 5

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

The entire writ petition is about an unauthorized construction of a concrete bench which is creating nuisance to the petitioner. The order passed by the Pradhan of the Gram Panchayat is impugned. The said impugned order does not mention anything with regard to the existence of the bench and whether construction of such bench was legal or not. The Pradhan was of the opinion that the complaint has been lodged with personal ego and ill-motive. The Pradhan failed to consider and decide as to whether the construction was in accordance with law and in accordance with the sanction issued by the Pradhan.

Learned advocate representing the Pradhan of the Gram Panchayat submits, upon instruction that,

the Pradhan is agreeable to reconsider the issue once again.

Learned advocate representing the State respondents has obtained instruction from the Block Development Officer along with the instruction from the Pradhan of the Gram Panchayat which clearly mentions that the construction has been made without any sanction and without obtaining any permission from the Gram Panchayat.

As it appears that the construction in question does exist and the same has been made without following the provisions of law, accordingly necessary steps shall be taken by the Gram Panchayat to deal with such unauthorized construction in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A decision shall be taken in the matter at the earliest but positively within a period of 12 weeks from the date of communication of this order.

The report filed by the BDO dated 30th March, 2024 be kept with the records.

The writ petition is 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.)