

32 13.03.2024
AGM/NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 28728 of 2023

Prosenjit Kuti
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya.
..for the petitioner.

Ms. Tapati Samanta.
...for the State.

Mr. Kalyan Kumar Panda.
...for the respondent nos.11, 12&13.

Ms. Mekhla Sinha,
Ms. Malabika Roy Dey.
...for the Howrah Zilla Parishad.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents. The photograph of the construction in question has been annexed.

It appears that the same is a single storied partly tiled and partly tin shed brick wall construction.

The petitioner submits that the same has been made without obtaining any permission or sanction from the Gram Panchayat.

Learned advocate representing the respondent nos. 11, 12 and 13 submits, upon instruction that, the construction in question is a very old one. The same is being used as a club.

There is nothing forthcoming from the learned advocate representing the private respondents that construction was made in accordance with any sanction obtained from the

Panchayat. The construction though is thatched roof, but is brick built, which requires sanction from the Panchayat.

In view of the above, the instant writ petition stands disposed of by directing the respondent no.9 to consider the objection filed by the petitioner on 20th November, 2023 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

If it appears that the construction in question is an unauthorised one, then necessary remedial steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate representing the petitioner is directed to forward a copy of the representation dated 20th November, 2023 to the aforesaid respondent at the time of communicating the order.

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.)