

W.P.A. 31170 of 2017

**Gopal Hazra
Vs.
The State of West Bengal & Ors.**

Mr. Anil Kr. Chatterjee
Mr. Dinesh Pani
...for the petitioner
Mr. Gausul Alam
Mr. Ranjit Rajak
...for the State

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

In spite of service of notice upon the respondent
nos. 3 and 5 those respondents are not represented
today.

Learned advocate representing the petitioner
complains of unauthorized construction at the instance
of respondent no. 5 and in this regard attention of this
Court has been drawn to complaint dated 23rd November,
2017 addressed to the Pradhan, Hayatpur-II Gram
Panchayat, District-Hooghly. On perusal of the said
complaint dated 23rd November, 2017 it appears that
both the petitioner and respondent no. 5 are the *shebait*s
of the property in question and it has been contended
that the respondent no. 5 without obtaining permission
from the concerned gram pachayat has made
unauthorized construction.

State-respondents are represented by learned advocate who submits that if the complaint has been made before the Pradhan the same needs to be considered in terms of Section 23(6) of the West Bengal Panchayat Act, 1973.

Having considered the submissions made on behalf of the parties and taking note of the complaint dated 23rd November, 2017 Pradhan, Hayatpur-II Gram Panchayat, District-Hooghly being respondent no. 3 is directed to take decision on the said complaint dated 23rd November, 2017 after granting opportunity of hearing to the petitioner and the respondent no. 5 or their representative within a period of 12 (twelve) weeks from the date of communication of this order and reasoned order to be passed by the respondent no. 3 shall be communicated to the parties within 1 (one) week thereafter.

However, it is made clear if it is found that construction has been made by the respondent no. 5 without valid sanctioned plan, appropriate steps shall be taken by the concerned gram panchayat for demolition of the said construction on compliance of necessary formalities.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)