

Item No.35

13.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 28853 of 2023

Jahera Gazi
v.
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Ms. Maria Rahman
... for the petitioner.

Mr. Amal Kumar Sen AGP
Mr. Lal Mohan Basu
... for the State.

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

The petitioner complains that the private respondents are making construction of building under the Pradhan Mantri Awaas Yojana (Gramin) Scheme over the private land of the petitioner.

The petitioner alleges that the objection made against such illegal construction before the Block Development Officer has not been considered by the respondent authority till date.

As it appears that the representation filed by the petitioner alleging illegal construction over his private land by the private respondents is pending consideration at the end of the respondent authority, accordingly, the instant writ petition is disposed of by directing the respondent no. 4 being the Block Development Officer and Executive Officer, Hasnabad

Block to take prompt necessary steps for consideration of the objection made by the petitioner on December 8, 2023 strictly in accordance with law, upon giving an opportunity of hearing to the petitioner and all other necessary parties, at the earliest, but positively within a period of twelve weeks from the date of communication of this order. The said respondent shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

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

In the event, the said respondent is of the opinion that the private respondents have illegally made construction of the building in the private land of the petitioner, then necessary steps shall be taken by the said respondent for removal of such unauthorized construction, in accordance with law.

The petitioner is directed to forward a copy of the representation dated 8th December, 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.

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(Amrita Sinha, J.)