

10.02.2025
Court No.13
Item No.6
AP/sp

AST 203 of 2014

Sk. Rafikul Islam

Vs.

The State of West Bengal & Ors.

Mr. Abdus Salam

...For the Appellant.

Mr. Palash Bapari,
Mr. Abhijit Bhattachariya

..for the private respondent

1. A Co-ordinate Bench of this Court on 27th June, 2014 has directed the State authorities to revenue encroachment of the PWD land made by the private respondent.

2. It is submitted by the learned counsel for the private respondent that the encroachment has since been demolished by the PWD. What remains, however, therefore, is the report of the BDO, Khandaghosh Block, Burdwan, dated 11th March, 2014 filed before the Single Bench of this Court.

3. It appears from such report that no sanction plan was obtained by the private respondent for construction of his house on the disputed plots of land being Nos. 4508 and 4504 in Mouza- Kamalpur Gram Panchayat.

4. Learned counsel for the private respondent has today produced a building approval plan dated 6th June,

2011 issued to the private respondent's father Santo Mandal. Construction was supposed to be effected by May, 2012. However, in view of the report dated 11th March, 2014 of the BDO, Khandaghosh Block, Burdwan either the sanction was obtained illegally from the Sankari No. 1 Gram Panchayat or construction was not effected within the time stipulated under the letter of sanction.

5. Even assuming for the sake of argument that construction has been effected within time, the same is not in conformity with the Gram Panchayat Rules for construction of a household.

6. In the above circumstances, this Court directs the BDO, Khandaghosh Block, Burdwan to once again inspect the property, thereafter prepare a report and circulate amongst the appellant and the private respondent. Thereafter both the parties shall be heard by the BDO, Khandaghosh Block, Burdwan. Any unauthorized construction or deviation from accepted building rules or sanction plan shall thereafter be removed by the private respondent or by the BDO, Khandaghosh Block, Burdwan.

7. If the private respondent fails to comply with the same, the cost of demolition of unauthorized portions

shall be collected from the private respondent as arrears.

8. It is expected that the aforesaid exercise is conducted by the BDO, Khandaghosh Block, Burdwan, within a period of six months from date. In the event the private respondent, in adherence to the rules alters and/or demolishes the unauthorized portions of the construction, the sanction for the construction made by the private respondent, shall be accorded by the Gram Panchayat concerned strictly as per applicable rules, after due inspection and verification of their surveyors and/or Amin.

9. The Officer-in-Charge, Khandaghosh Police Station shall render all necessary assistance to the concerned BDO and the Sankari No. 1 Gram Panchayat.

10. With the aforesaid observations, AST 203 of 2014 shall stand disposed of. Consequently, all connected applications, if any, shall also stand disposed of.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)