

WPA 18777 of 2024

Prakash Chandra Maity @ Prakash Maity & Anr.
Vs.
The State of W. B. & Ors.

Mr. Soumen Kr. Dutta
Mr. Sabyasachi Bhattacharjee ...for the petitioners.

Mr. Ranjit Rajak ...for the State.

Mr. Manoranjan Jana ...for respondent no.8.

The Panchayat is not represented despite service of notice.

Learned counsel for the petitioners submits that the private respondents have raised unauthorized construction without sanction from the concerned Panchayat. The petitioners submitted a representation before the concerned authority on 10th June, 2024 and seek consideration of the same.

Opposing such allegation, learned counsel for the private respondents submits that the private respondents have raised construction long back upon obtaining sanctioned building plan from the concerned Panchayat.

In an earlier writ petition filed by the private respondents, construction raised by the petitioners has been declared to be unauthorized and the petitioners have undertaken to demolish the said construction. In

retaliation, the present writ petition has been filed on false grounds.

The alleged illegal construction raised by the petitioners has no nexus with the allegation made in the present application.

Since the representation submitted by the petitioners is pending before the concerned authority, the Pradhan, Talagachhari-1 Gram Panchayat, being the 3rd respondent herein, is directed to consider and dispose of the same within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

In the event any of the construction is found to have been raised illegally/unauthorizedly, the concerned authority shall take necessary steps in accordance with law.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)