

21.04.2025.
Item No. 33.
Court No. 13
sudipta

M.A.T. No. 1928 of 2024
With
I.A. No. CAN 1 of 2024

Sabuj Sathi Sporting Club represented by its
Member Palash Samui
Versus
Sudip Samui & Ors.

Mr. Dyutiman Banerjee
Mrs. Sreyashi Chatterjee
Mr. Vishal Mallick
Mr. Bodhisatya Haldar

....For the appellant.

Mr. Subhabrata Datta,
Ms. Aranya Saha,

...For the respondents.

1. The notices issued to the Pradhan, Nayabasad Gram Panchayat and the Officer-in-charge, Garhbeta Police Station, by post and email are kept with the record. Photographs of the construction prior to this Court's order dated 4th April, 2025 and thereafter are kept with the record.

2. Leave sought by applicant to prefer an appeal against the order dated 17th October, 2023. The applicant claim to be aggrieved by the order of the Single Bench.

3. Leave is granted to the proposed appellant to prefer the instant appeal. CAN 1 of 2024 is allowed. Accordingly, CAN 1 of 2024 shall stand disposed of.

4. The writ petition was filed alleging unauthorized construction of the proposed appellant. By an earlier order dated 4th April, 2025, this Court has directed

Nayabasad Gram Panchayat to submit a report as regards the legality of the construction being affected by the appellant. Despite service of notice the panchayat is not represented. A direction was also passed on 4th April, 2025 directing the O.C., Garhbeta Police Station, to ensure that no construction whatsoever takes place at the said premises.

5. Mr. Subhabrata Datta, learned counsel for the writ petitioners/respondents, submits that construction is going on unabated despite the order of this Court dated 4th April, 2025. He has produced photographs of the construction before and after the order dated 4th April, 2025.

6. The appeal is disposed of directing the appellant not to effect any construction on the property without a proper sanction from the concerned Panchayat. Before according sanction the Panchayat shall hear out the writ petitioner and any other persons interested in the property in question. The aforesaid direction is passed since it is alleged by Mr. Datta that the construction has the effected obstructing free ingress and egress to several properties and the movement of the public at large.

7. The Officer-in-Charge, Garhbeta P.S., is specifically directed to ensure that there is no construction on the property till such time an effective the decision taken by the Nayabasad Gram Panchayat and shall abide by the same.

8. There shall be no order as to costs.
9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)