

WPA 5912 of 2024

Rasu Santra
Vs.
The State of W. B. & Ors.

Mr. Animesh Paul
Ms. Kirty Keshri
Ms. Manisha Kr. Upadhyay ...for the petitioner.

Mr. Tarak Nath Sarkar
Mr. Goutam Malik ...for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the Panchayat and the private respondents despite service.

Learned counsel for the petitioner submits that the private respondents have been raising construction in the plot in question which has been recorded as 'Danga' ,without obtaining any sanctioned plan.

Learned counsel takes this Court to a communication issued by the Pradhan, Jagadishpur Gram Panchayat to the Block Development Officer, Bally Jagacha Development Block on 28th November, 2023 which demonstrates that the construction in question appears to be illegal.

The petitioner submitted a representation before the concerned authority in this regard on 12th February, 2024 which is yet to be considered. The petitioner seeks consideration of the same.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the construction raised by the private respondents has been held to be illegal/unauthorized, Bally Jagacha Block Panchayat Samiti, being the 3rd respondent herein, shall consider and dispose of the representation submitted by the petitioner dated 12th February, 2024 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 the construction raised by the private respondents is found to be unauthorized/illegal, 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.)