

WPA 13016 of 2024

Arun Mondal
Vs.
The State of W. B. & Ors.

Mr. Pankaj Halder
Mr. Rameswar Sinha
Mr. Sanatan Panja ...for the petitioner.

Mr. Bidish Ghosh
Mr. Neelabha Bera ...for respondent nos.7 & 8.

Learned counsel for the petitioner submits that the petitioner is a tenant in respect of the plot in question. The private respondents are his landlords. The petitioner alleges that the private respondents have been raising construction by filling up water body illegally. Several representations submitted by the petitioner in this regard before the concerned authorities have fallen on deaf ears.

Learned counsel for the Panchayat submits that pursuant to the representation submitted by the petitioner, the private respondents were requested to produce sanctioned plan in respect of the alleged construction. They have failed to do so. Learned counsel also submits that there is nothing on record to suggest that the private respondents obtained sanctioned plan for raising the alleged construction or applied for conversion of the water body prior to such construction.

Since the Panchayat has appeared at a preliminary finding with regard to the alleged construction, the Pradhan, Nalua Gram Panchayat, being the 8th respondent herein, is directed to consider and dispose of the representation submitted by the petitioner within two weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, in accordance with law.

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

In the event it is found that the construction raised by the private respondents is unauthorized/illegal, the 8th respondent shall take necessary steps in accordance with law.

The writ petition is disposed of.

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.)