

WPA 13718 of 2024

Uttam Naiya
Vs.
The State of W. B. & Ors.

Mr. Kapil Chandra Sahoo ...for the petitioner.

Mr. Sailendranath Chakraborty...for the State.

Mr. Dyutiman Banerjee
...for the private respondents.

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

The Panchayat is not represented despite service of notice.

The petitioner alleges that the private respondents are raising unauthorized construction on the plot adjoining the petitioner's plot without obtaining any sanction from the concerned Panchayat and in violation of the building rules. The petitioner submitted a representation in this regard before the concerned authority on 6th May, 2024 and seeks consideration of the same.

Learned counsel for the private respondents denies and disputes the allegations made by the petitioner and submits that no such construction is being raised by the private respondents on the plot in question.

Upon consideration of the submission made on behalf of the parties, this Court is of the view and since the

petitioner alleges unauthorized construction being raised by the private respondents in violation of building rules and without sanction from the concerned Panchayat and also as the representation submitted by the petitioner is pending before the authority, the Pradhan, Nalgora Gram Panchayat, being the 4th 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 the construction allegedly raised by the private respondents is found to be illegal/unauthorized, 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.)