

WPA 17527 of 2024

Akash Das
Vs.
The State of W.B. & Ors.

Mr. Raj Kumar Sain ...for the petitioner.

Mr. Soumen Gayen
Mr. Sandipan Maity ...for respondent no.10.

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

None appears for the State and the Panchayat despite service.

The petitioner claims to be the recorded owner of the plot in question and alleges that the private respondent has raised unauthorized construction therein by filling up water body. The plot is recorded as 'pukur' in the LR Record of Rights. The petitioner submitted a representation in this regard before the concerned authority on 10th May, 2024, pursuant to which the Block Development Officer, Joynagar-I Development Block by a letter issued on 16th May, 2024 forwarded the complaint to the Block Land and Land Reforms Officer, Joynagar-I Block and the Executive Assistant, Baharu Kshetra Gram Panchayat for taking necessary action. The petitioner seeks consideration of the representation.

Denying the allegation of the petitioner, learned counsel for the private respondent submits that the

construction in question was raised long back by the predecessor in interest of the private respondent.

In view of the fact that the representation submitted by the petitioner alleging unauthorized construction raised by the private respondent by filling up water body in the land recorded as 'pukur' is pending, the Pradhan, Baharu Kshetra Gram Panchayat being the 7th 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 respondent, 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 in question raised by the private respondent 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.)