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05.12.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 21860 of 2023

**Md. Nasir Uddin Molla & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee.
...For the Petitioners.**

**Mr. Lalit Mohan Mahata,
Mr. Rudranil De.
...For the State.**

**Mr. M.K. Ghosh,
Mr. A. Chakraborty.
...For the Private Respondents.**

The petitioners complain of illegal and unauthorized construction at the behest of the private respondents.

Submission is that the construction has been made without obtaining any plan sanctioned from the Panchayat.

The private respondents deny the allegation of the petitioners. It has been submitted that the plot number over which the allegation of unauthorized construction has been made, are involved in a Civil Suit in between the parties which is pending consideration. The same issue ought not to be raised all over again before the Panchayat authority.

After hearing the parties and upon perusal of the materials on record, it appears that the petitioners

approached this Court earlier by filing a writ petition being W.P. 19257 (W) of 2017 which was disposed of by the Court on 1st August, 2017 directing the Pradhan of the Gram Panchayat to dispose of the petitioners' representation alleging unauthorized construction.

The same has not been done till date.

The petitioners have again filed representation alleging unauthorized construction which is pending consideration. The Panchayat is the competent authority to decide the issue of unauthorized construction.

In view of the above, the instant writ petition is disposed of by directing the Pradhan of the Gram Panchayat to cause a spot inspection upon prior notice to all the necessary parties to ascertain the exact nature and extent of unauthorized construction. The spot inspection report shall be circulated amongst the parties. An opportunity of hearing shall be given to the parties to rely upon documents in support of their stand.

After hearing the parties if it appears that unauthorized construction has been made, then necessary remedial steps shall be taken in accordance with law.

Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate appearing for the petitioners is directed to forward a copy of the representation posted

on 19th June, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Leave is granted to the learned advocate appearing for the private respondents to file vakalatnama in the department in course of the day.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)