

Item No.58

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

04.12.2023
Ct-24

WPA 6742 of 2022
Safikul Islam

v.

The State of West Bengal & Ors.

Mr. Lal Ratan Mondal
Ms. Sk. Kiran
... for the petitioner.

Mr. D. Banerjee
Mr. Jisan Iqbal Hossain
Ms. Tanuja Banerjee
... for the respondent nos. 11 & 12.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondents.

The aforesaid allegation is denied by the learned advocate representing the private respondent nos. 11 & 12.

None represents the Panchayat.

Affidavit-of-service filed in Court today is taken on record.

The representation filed by the petitioner before the Block Development Officer is pending consideration till date.

Without entering into the dispute as to whether the construction was made in accordance with law or not, as it appears that the representation of the petitioner is pending consideration before the Block

Development Officer, accordingly, the instant writ petition is disposed of by directing the Block Development Officer, Bhagwangola-II Block to consider the representation filed by the petitioner in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

The Block Development Officer shall pass a reasoned order and communicate the same to the parties.

To ascertain the nature and extent of unauthorized construction, a spot inspection shall be conducted upon prior notice to the parties.

If unauthorized construction is ultimately detected, then necessary steps shall be taken to deal with the same 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 for the petitioner is directed to forward a copy of the representation dated January 14, 2022 to the Block Development Officer at the time of communicating the order of the Court.

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.

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(Amrita Sinha, J.)