

10.06.2024
Ct. No. 2
Sl. No. 26
tbsr

WPA 12607 of 2023

Renu Biswas & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Partha Sarathi Das
Miss Shanta Sarkar
Mr. Debojoti de
Miss Souraja De
.....for the Petitioners

Mr. Jahar Datta
Mr. Dipankar Ghosh
.....for the State

Mr. Saumen Gayen
Mr. Sandipan Maity
....for the respondent nos. 10 & 12

Affidavit of service filed in court today, is taken on record.

The petitioners complain of an unauthorized and illegal construction at the subject property. Drawing attention to an application dated **January 31, 2023, Annexure P-2 at page 18** of the writ petition and a reply thereto dated **March 31, 2023 at page 21** to the writ petition, Mr. Partha Sarathi Das, learned advocate appearing for the petitioners submits that the jurisdictional Panchayat authority in reply to the application filed by the petitioner under the Right to Information Act, 2005 informed the petitioners that, there was no application for obtaining any sanction plan

on record submitted on behalf of the respondent nos. 10 to 12 against whom the allegation of illegal construction has been complained of.

Mr. Jahar Datta, learned State advocate appears for the respondent nos. 1 to 7 submits that the respondent no. 8 is the appropriate authority to deal with the issue.

Mr. Sandipan Maity, learned advocate appearing for respondent nos. 10 & 12 (excluding respondent no. 11) submits that there was no illegal or unauthorized construction at the subject premises carried out at their instance and a public toilet has been constructed by the Panchayat Samiti on the subject land.

Considering the above submissions made on behalf of the parties and considering the materials on record there is no scope for any interim order to be passed.

The respondent no. 8 shall file a report in the form of affidavit in the light of the allegations made in the writ petition on or before June 20, 2024 upon a copy being served to Mr. Partha Sarathi Das, learned advocate for the petitioners.

Petitioners shall be at liberty to file an exception in the form of affidavit on or before June 28, 2024.

The writ petition shall appear under the heading **“For Orders”** on **July 3, 2024**.

Pendency of this writ petition shall not preclude the Panchayat authority to take steps in accordance with law if any illegal or unauthorized construction is found on the subject land in the meantime.

(Aniruddha Roy, J.)