

WPA 1047 of 2024

Ashley Brian Hyams
Vs.
The State of West Bengal & ors.

Adv. Jayanta Samanta,
Adv. Sanway Banerjee,
Adv. Riddhi Naskar,

...for the petitioner.

Adv. Madhu Jana,
Adv. Puna Sonkar,

...for the State.

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

Learned counsel for the petitioner submits that the private respondent has promoted/developed a real estate project named “Aqua Golf Villa” on the plot in question without obtaining any sanction from the concerned authority. Pursuant to representations submitted by the petitioner in this regard, an enquiry was held by the Block Development Officer, Rajarhat Development Block. It appears from the report furnished by the authorities that no permission for erection of a new structure or new building or to make any addition to the existing structure or building was granted by the Chandpur Gram Panchayat to the private respondent who has also failed to produce any document before the authority to demonstrate compliance of rules 17, 18, 27(1) and 34 of The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004 in respect of the project. The Panchayat authority, Block Development Officer and the Zilla Parishad have stated in unison that no sanction/permission was granted to the private respondent for raising the construction

alleged. The construction has been termed as illegal/unauthorised by all the concerned authorities.

In view of the above, the Shabhadhipati, Zilla Parishad, North 24 Parganas, being the 11th respondent herein, is directed to take necessary steps in respect of the representations submitted by the petitioner within four weeks from the date of communication of this order upon granting 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.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)