

99
11.03.2021.
d.p.

**W.P.A 27 of 2021
(Via Video Conference)**

**Janaki Mondal & ors.
-versus
The State of West Bengal & Ors.**

**Mr. Prosenjit Mukherjee,
Mr. Tirthankar Mukherjee,
Ms. Madhurima Sarkar,
Mr. Arghya Kamal Das.
...For the Petitioners.**

**Mr. Santanu Kumar Mitra,
Mr. Mirza Kamruddin.
...For the State.**

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

The petitioners allege illegal and unauthorized construction without a sanction plan by the private respondents in R.S. Khatian No. 387, L.R. Khatian No. 955, R.S. Plot No. 1448, P.S. Gosaba, Mouza-Chhotomollakhali.

The petitioners complain that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

None appears on behalf of the Pradhan and the private respondent in spite of service.

As it appears that the representation of the petitioners objecting to the illegal and unauthorized construction is pending consideration at the end of the

respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 5, being the Pradhan, Chhotomollakhali Gram Panchayat herein to consider and dispose of the representation made by the petitioners strictly in accordance with law, at the earliest, but positively within a period of six months from the date of communication of a copy of this order.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

The petitioners are directed to forward a copy of the representation dated 21st December, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 27 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)