

11.03.2021
SL No. 101
Court No.24
(P.M.)

WPA 376 of 2021
Sk. Israfil Ali alias Sk. Israfil
Vs.
The State of West Bengal & Ors.

Mr. Ravi Ranjan Kumar,
Mr. Saket Sharma
... for the petitioner
Mr. Ziaul Hoque,
Mr. Arup Kumar Bhowmick
.... For the respondent Nos. 7, 8 and 9

Mr. Himadri Sikhar Chakraborty,
Ms. Debdooti Dutta
... for the State

The petitioner alleges illegal and unauthorised construction by the private respondents on Dag Nos. 400 and 401, Mouza Jagannathbati, J.L. 58, L.R. Khatian No. 627, 628 and 1491 without a sanction plan.

The petitioner relies upon a communication dated 26th August, 2020 made by the Prodhan of Janai Gram Panchayet wherein it has been indicated that no permission for construction has been given by the Panchayet in respect of Dag Nos. 399, 400 and 401.

The petitioner made an application before the Prodhan on 13th August, 2020. The petitioner prays for a direction upon the respondent authority for demolition of the illegal and unauthorisd construction by the private respondents.

The private respondents deny that any construction is being made over the said plot of land as alleged. It has

been submitted that an old structure was merely being repaired by them.

The learned advocate appearing on behalf of the State respondents have taken specific instructions and the Officer-in-charge of the Chanditala Police Station has given instruction that construction is going on over plot nos. 397 and 399.

It appears that several disputed question of facts are involved in the instant writ petition. The representation of the petitioner alleging illegal and unauthorised construction is pending at the end of the respondent authority. No useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 4 to conduct an inspection at the site and consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, at the earliest, but positively within a period of six months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

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 unauthorised construction, in accordance with law.

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.

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

The petitioner is directed to forward a copy of the representation dated 13th August, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 376 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.)