

Court No. 24

**25.02.2021**

(Item No. 130)

(AB)

**W.P.A 1140 of 2021**

Tapas Mahajan @ Tapas Mohajan & Anr.

vs

The State of West Bengal & Ors.

Mr. Abdur Rakib

Mr. Somnath Majumder

..... 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 being made at Gopalnagar in Mouza No. 83, Khatian No. 442, Dag Nos. 691 and 692 under the Akaipur Gram Panchayat, North 24-Parganas.

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

None appears on behalf of the private respondents.

As it appears that the representation of the petitioner 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. 10, being the Panchayat Pradhan, Akaipur Gram Panchayat, Akaipur, North 24-Parganas to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, within a period of twelve weeks 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 petitioners, immediately thereafter.

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 petitioners are directed to forward a copy of the representation dated 10<sup>th</sup> September, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

**(Amrita Sinha, J.)**