

Court No. 24
25.02.2021
(Item No. 131)
(AB)

W.P.A 1147 of 2021

Madan Mohan Mandal
vs
The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee
Mr. Chittapriya Ghosh
..... for the petitioner
Sk. Muzibur Rahaman
Mr. Abhijit Boral
..... for the State

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

The petitioner alleges illegal and unauthorized construction without a sanction plan over the Dag No. 1331, Mouza – Eroali, P.S. Khargram, District – Murshidabad.

The petitioner alleges that the land has been recorded as ‘danga’ in the record of rights. Without conversion of the land the construction is being made thereon.

The petitioner objected to the said construction by a representation dated 28th December, 2020, which has not been considered by the respondent authority 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 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. 5, being the Prodhan, Eroali Gram Panchayet to 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, 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 petitioner, immediately thereafter.

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 28th December, 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.)