

Court No. 24

16.03.2021

(Item No. 102)

(AB)

W.P.A 315 of 2020

Sri Samir Nandi

vs

The State of West Bengal & Ors.

Mr. Prantick Ghosh
Mr. Siddhartha Sarkar
Mr. Hirak Roy

..... for the petitioner

Affidavit of service filed in Court is taken on record.

The petitioner alleges illegal and unauthorized construction of two poles over the public land in front of R.S. Dag No. 190, L.R. Dag No. 191, R.S. Khatian Nos. 203, 427 and 18, L.R. Khatian No. 151, Mouza – Talbanda, Barrackpur, District – North 24-Parganas.

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

None appears on behalf of the respondents despite service.

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 Pradhan, Bilkanda-I Gram Panchayet being the respondent No. 4 herein 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 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 25th November, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)