

25.02.2021
SL No.133
Court No.24
(P.M.)

WPA 1302 of 2021

**Krishna Priya Dasi & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Rudranil Dey
Mr. S. Bhattacharyya,
Mr. Ziaul Haque,
Mr. Suman Kr. Bhattacharyya
... for the petitioners

Mr. Sudip Sarkar
Mr. Prabir Majumdar
... for the private respondent No. 8

Mr. Wasim Ahmed,
Mr. Tansif Ahmed Khan
... for the State.

The petitioner alleges unauthorised construction over the Panchayet road in front of the plot No. 1065, Mouza Bamanpukur, Khatian L.R. 1855, J.L. No. 9 Police Station - Nabadwip, District Nadia.

According to the petitioner, objection was lodged before the Prodhan of the Bamanpukur - I Gram Panchayet on 11th December, 2020. Representations have also been made before the Officer-in-Charge of Nabadwip Thana and also the A.D.M and District Land and Land Reforms Officer.

The learned advocate representing the private respondents submits, upon instruction, that they are making construction in accordance with the plan that has been sanctioned in their favour by the Panchayet.

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. 6, Prodhan, Mayapur Bamanpukur – I 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.

In the event the Prodhan is of the considered opinion that the construction has been made in violation of the plan sanctioned or devoid the sanction plan then necessary steps shall be taken for dealing with such unauthorised construction, in accordance with law.

The petitioner is directed to forward a copy of the representation dated 11th December, 2020 to the aforesaid

respondent at the time of communicating the order of the Court.

Affidavit of service filed in Court is taken on record.

WPA 1302 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.)