

Court No. 24

25.02.2021

(Item No. 135)

(AB)

W.P.A 1418 of 2021

Bholanath Ghosh

vs

The State of West Bengal & Ors.

Mr. Tushar Kanti Mukherjee

Mr. Hiranmoy Dutta

..... for the petitioner

Ms. Sima Adhikari

Ms. Kakali Naskar

..... for the State

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

The petitioner alleges illegal and unauthorized construction being carried on without a sanction plan and without obtaining any permission for conversion of the land over the plot Nos. 904 and 906 under L.R. Khatian No. 1173/1, Mouza – Hingalgunj, Police Station Hingalgunj, North 24-Parganas. The classification of the land in the record of rights in respect of the aforesaid plots is mentioned as ‘Bilan’.

The petitioner has made a representation before the respondent authorities by a letter dated 03.03.2020. The petitioner alleges that no steps have been taken by the respondent authority for consideration of his representation 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. 2, being the Prodhan, Hingalgunj Gram Panchayat, North 24-Parganas 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.

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.

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 3rd March, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 1418 of 2021 is 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.)