

Court No. 24

25.02.2021

(Item No. 136)

(AB)

W.P.A 1458 of 2021

Suprovat Mondal & Ors.

vs

The State of West Bengal & Ors.

Mr. Kishore Mukherjee

Mr. Sankha Subhra Ray

..... for the petitioners

Ms. Sudipa Roy

Mr. Srinath Singha Roy

..... For the State

Mr. Malay Bhattacharya

... for respondent Nos. 4-6

The petitioners allege illegal and unauthorized construction over the Dag No. 2111, J.L. No. 80, Khatian 881, Mouza – Patit Dommahal, District – Bankura without a sanction plan.

The petitioners raised objection to the aforesaid unauthorized construction before the Pradhan of the Biur-Betur Gram Panchayat. In response to the complaint lodged by the petitioners the Pradhan of the Gram Panchayat issued notice to both the parties and directed the private respondents to stop work over the said plot of land.

The petitioners complain since thereafter no steps have been taken by the Pradhan of the Gram Panchayat to decide the issue of unauthorized construction.

The learned advocate representing the private respondents submits that there was construction of a boundary wall way back in the year 2015. The said

boundary wall was constructed after obtaining necessary permission from the Panchayat.

Be that as it may, as it appears that the representation of the petitioners alleging unauthorized construction is pending consideration at the end of the Panchayat, 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, the Pradhan, Biur-Betur Gram Panchayat, Bankura 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 7th 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.)