

Court No. 24
25.02.2021
(Item No. 138)
(AB)

W.P.A 1514 of 2021
Balaram Mondal
vs
The State of West Bengal & Ors.

Mr. Pankaj Halder
Mr. Tapas Manna
..... for the petitioner
Ms. Chama Mukherjee
Mr. Siraj Gooptu
..... For the State

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

The petitioner alleges illegal and unauthorized construction being made by the private respondents without a sanction plan over the Dag No. 6661/6664, J.L. No. 107, Mouza – Gilarchat, Police Station – Raidighi, South 24-Parganas.

The petitioner raised an objection before the Prodhan by letter dated 8th January, 2021. The petitioner submits that in response to the objection raised by him the Pradhan has already conducted a hearing of the parties on 27th January, 2021 but the result of the said hearing has not yet been intimated to the petitioner.

None appears on behalf of the private respondents and the Panchayat 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 and hearing has already

been conducted by the Prodhan, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 7, Gilarchat Gram Panchayat, P.O. Baribangabad, 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 eight 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 8th January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 1514 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.)