

Court No. 24
25.02.2021
(Item No. 139)
(AB)

W.P.A 1528 of 2021
Sri Hangsha Kumar Shit
vs
The State of West Bengal & Ors.

Mr. Bharat Chandra Simai
..... for the petitioner
Ms. Sudipa Roy
Mr. Srinath Singha Roy
..... For the State
Mr. Sandip Ghosh
Mr. Partha Sarkar
Ms. Riya Ghosh
... for respondent No. 9

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

The petitioner alleges illegal and unauthorized construction being made without a sanction plan over the plot No. L.R. 570, R.S. 622, J.L. No. 244, Mouza – Bathuari, Police Station – Egra, District – Purba Medinipur.

The petitioner objected to the aforesaid unauthorized construction before the Pradhan of the Gram Panchayat by letter dated 8th January, 2021. The petitioner alleges that the said representation has not been considered by the said respondent till date.

The learned advocate appearing for the private respondent submits that the construction is being made in accordance with the plan sanctioned by the Panchayat.

The learned advocate for the State/respondent submits that Kartick Chandra Shit, the private respondent herein started construction over the plot

in question without obtaining any permission/sanction from the Pradhan of the Gram Panchayat.

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. 3, the Pradhan, Bathuari Gram Panchayat, Purba Medinipur 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 8th January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 1528 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.)