

Court No. 24

**26.02.2021**

(Item No. 20)

(AB)

**W.P.A 1934 of 2021**

Subal Bera & Ors.

vs

The State of West Bengal & Ors.

Mr. Salil Kumar Maiti

..... for the petitioners

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

The petitioners allege illegal and unauthorized construction without a sanction plan by the private respondents over the plot Nos. 3473, 3470/5047, Mouza – Mohar, J.L. 397, Police Station Sabang, Paschim Medinipur.

The petitioners complain that the objection made against such illegal construction has not been considered by the respondent authorities till date.

None appears on behalf of the respondents 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, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 5, being the Pradhan, Mohar Gram Panchayat No. 1, P.S. Sabang, Paschim Medinipur 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.

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.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

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 16.12.2020 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.)**