

26.02.2021
SL No.156
Court No.24
(P.M.)

WPA 2061 of 2021

Joydeb Maity & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sukumar Ghosh,
Ms. Riya Ghosh
... for the petitioners

Mr. T. Kumar Ghosh,
Ms. Debarshi Sen(Bose)
... for the State

None appears on behalf of the private respondent despite service. Affidavit of service filed in Court is taken on record.

The petitioners allege illegal and unauthorised construction being carried on by the private respondent herein without a sanction plan in Dag No. 2479 and 2480, Saira Mouza, J.L. No. 38, Khatian No. 289.

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

As it appears that the representation of the petitioners 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 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 petitioner, immediately thereafter.

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.

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 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 25th August, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 2061 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)