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05.03.2021.
d.p.

**W.P.A. 852 of 2019
(Via Video Conference)**

**Jamal Molla @ Jamaluddin Molla
-versus
The State of West Bengal & Ors.**

**Mr. Atarup Banerjee,
Mr. Md. G.N. Imrohi.
.... For the Petitioner.**

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

The petitioner alleges illegal and unauthorized construction without a sanction plan by the private respondents in Plot No. R.S.- 484, L.R.- 812, Mouza-Dhanirampur, P.S.-Jalangi, District-Murshidabad.

The Secretary of the Debipur Gram Panchayat conducted an enquiry and by a communication dated 17th April, 2018 intimated the learned advocate appearing on behalf of the petitioner that no plan has been sanctioned by the Panchayat in respect of the aforesaid premises.

The petitioner thereafter applied before the Panchayat Pradhan for demolition of the unauthorized construction by a letter dated 22nd November, 2018. The same has not been considered till date.

None appears on behalf of the respondents.

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. 2 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 unauthorized 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 22nd November, 2018 and a copy of the communication dated 17th April, 2018 by the Secretary, Debipur Gram Panchayat, Jalangi Block to the aforesaid respondent at the time of communicating the order of the Court.

WPA 852 of 2019 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)