

Court No. 24

26.02.2021

(Item No. 167)

(AB)

W.P.A 2446 of 2021

Bholanath Kundu

vs

The State of West Bengal & Ors.

Mr. Keshab Chandra Das

Ms. Aparajita Mondal

..... for the petitioner

Mr. Bhaskar Seth

..... for respondent No. 9

Ms. Sutapa Sanyal

Ms. Susnita Saha

..... for the State

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

The petitioner alleges illegal and unauthorized construction over the plot No. 612, Mouza – Antpur, J. L. 72, Police Station Jangipara, District – Hooghly.

The petitioner made representation before the Pradhan on 1st December, 2020 against such illegal construction which has not been considered by the respondent authorities till date.

The learned advocate appearing for the private respondent submits that the plot in question is an undivided property of the parties. The private respondent denies that any construction is being made in the said property at present.

The learned advocate representing the State submits, upon instructions, that the officers of the Jangipara Police Station visited the site but no

construction was seen being carried on at the said premises.

Be that as it may, as the petitioner has alleged unauthorized construction and made representation before the Pradhan which is pending consideration at the end of the Pradhan, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 8, being the Antpur Gram Panchayat 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.

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 1st December, 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.)