

Court No. 24

02.03.2021

(Item No. 130)

(AB)

W.P.A 2760 of 2021

Makhlufar Rahaman Gazi

vs

The State of West Bengal & Ors.

Mr. Sudarshan Ghosh

..... for the petitioner

Ms. Sipra Majumdar

Mr. Khairul Alam

..... for the State

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

The petitioner alleges illegal and unauthorized construction by the private respondents on the Dag Nos. 249 and 250, Khatian No. 1217, Mouza – Kharibari, J. L. No. 142, South 24-Parganas.

The petitioner made a representation before the respondent authorities on 05.02.2020 followed by a reminder dated 19.02.2020. He alleges that the same has not been considered by the respondent authorities till date.

None appears on behalf of the private respondents despite service.

As it appears that the representations 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, the Pradhan, Monirtat

Gram Panchayet 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.

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 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 representations dated 5th February, 2020 and 19th February, 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.)