

Court No. 24

02.03.2021

(Item No. 132)

(AB)

W.P.A 2829 of 2021

Lakshmikanta Maity

vs

The State of West Bengal & Ors.

Mr. Sanjib Bandyopadhyay

..... for the petitioner

Mr. Molay Krishna De

Mr. Arunava Maiti

..... for the State

Mrs. Pampa Dey (Dhabal)

Mr. Krishna Deo Das

..... for respondent No. 5

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

The petitioner alleges illegal and unauthorized construction over the plot No. 189, Khatian No. 1411, Mouza – Dakshin Harikuli, J. L. No. 213 Purba Medinipur which is recorded as a water body in the record of rights.

The petitioner made a representation before the respondent authorities by a letter dated 15.01.2021 and alleges that the same has not been considered by the respondent authorities till date.

The learned advocate appearing for the private respondent submits that no construction is being made in the said plot of land at present. The construction standing thereon was completed long back.

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. 4, Dakshin Harkuli Moyna-I, 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.

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 representation dated 15.01.2021 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.)