

04.03.2021
SL No. 130
Court No.24
(P.M.)

WPA 3108 of 2021
Shikha Rani Choudhury.
Vs.
The State of West Bengal & Ors.

Mr. Jagabandhu Roy,
Mr. Suman Kumar Bhattacharyya
... for the petitioner

Mr. Dinesh Chandra Nandi
..... for respondent No. 3

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

The specific grievance of the petitioner is that the private respondent is making illegal and unauthorised construction in a manner by which the public road of the Panchayet has been encroached upon.

The petitioner raised several objections before the Prodhan, Officer-in-Charge, Chandrakona Police Station, BL & L.R.O. Chandrakona II, A.D.M. & L.R.O. Paschim Medinipur, B.D.O. Chandrakona II Block and before the District Magistrate, Paschim Medinipur by letter dated 11th December, 2020 and onwards. None of the representations of the petitioner have been answered by the respondents.

The learned advocate appearing on behalf of the Savadhipati, Paschim Medinipur Zilla Parishad being the respondent No. 3 herein does not have any instruction in this matter.

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. 7 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 11th December, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 3108 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.)