

08.04.2021
SL No. 208 & 209
Court No.24
(P.M.)

WPA 3190 of 2021
Sukumar Natua
Vs.
The State of West Bengal & Ors.

With

WPA 13058 of 2017
Jayanta Mondal
Vs.
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee,
Mr. Samrat Dey Paul
... for the petitioner in WPA 3190 of
2021 and private respondent in
WPA 13058 of 2017

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal
... for the petitioner in WPA
13058 of 2017 and private
respondent in WPA 3190 of
2021

Sk. Mujubar Rahaman,
Mr. Sudip Sarkar
.... For the State in WPA 3190 of 2021.

WPA 13058 of 2017 has been filed by Jayanta Mondal impleading Sukumar Natua as the private respondent alleging that, Sukumar Natua was making unauthorised construction, without obtaining any plan from the Panchayet, and without leaving the mandatory side open spaces.

WPA 3190 of 2021 has been filed by Sukumar Natua against Jayanta Mondal with the same allegation that construction was being made without obtaining any

sanction plan from the Panchayet and without leaving the mandatory side open spaces.

It appears from the submissions of the parties that they are adjacent plot holders of land in Dag No. 495 and 497. Both are raising allegation of unauthorised construction by each other. Both have filed objection before the Prodhan of the Gram Panchayet and allege that their representations have not been taken up for consideration till date.

The Sahajadapur Gram Panchayet through its Prodhan is accordingly directed to consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, at the earliest, but positively 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 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 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 petitioner Sukumar Natua is directed to forward a copy of his representation dated 23.12.2019 and the petitioner Jayanta Mondal is directed to forward a copy of his representation posted on 17th April, 2017 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 3190 of 2021 stands disposed of.

WPA 13058 of 2017 shall appear in the list for further consideration on 27th April, 2021.

The petitioner in WPA 13058 of 2017 shall serve a notice upon the learned advocate appearing on behalf of the State respondent intimating the next date of hearing.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)