

Item No.6

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

09.04.2021
Ct-24

W.P.A.2239 of 2020
Ali Akbar Naskar & Ors.
v
The State of West Bengal & Ors.

Mr. Shareq Siddique
Mr. Rajdeep Bhattacharya
Mr. Shahbaz Alam
Mr. Nafirul Islam
... for the petitioners.

Mr. G.F. Hossain
... for the respondent nos. 13 & 14.

The petitioners allege unauthorized construction by the private respondents without a sanction plan in Mouza-Khasmallick, J.L.No. 35, R.S. No. 376, Khatian Khanda-445, R.S. and L.R. No. 662, Pin Code- 700 144.

The petitioners allege that the objection which was filed on their behalf by their learned advocate by letter dated February 3, 2020 has not been taken into consideration by the respondents till date.

The learned advocate appearing on behalf of the private respondents denies the contention of the petitioners.

As it appears that the representation of the petitioners 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. 10, Hariharpur Gram Panchayat through its Prodhan, the respondent no. 11 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, including the petitioners, 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, 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 unauthorized 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 petitioners are directed to forward a copy of the representation dated February 3, 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 given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)