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09.02.2021.
d.p.

**W.P.A 3722 of 2021
(Via Video Conference)**

**Arun Kheto
-versus
The State of West Bengal & Ors.**

**Mr. Kallol Basu,
Mr. Samik Sarkar.
...For the Petitioner.**

**Ms. Joyeeta Sinha,
Mr. Bipin Ghosh.
...For the State.**

The matter is taken up out of turn citing urgency by the petitioner.

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

The petitioner alleges illegal and unauthorized construction without a sanctioned plan.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

None appears on behalf of the private respondent and the Dehibatpur Gram Panchayat in spite of service.

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.8 being the Pradhan, Dehibatpur 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.

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 18th January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The Panchayat Authority will not decide the right, title and interest of the parties and will restrict the decision only with regard to unauthorized construction being made without a sanctioned plan.

W.P.A. 3722 of 2021 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)