

09.03.2021
SL No. 135
Court No.24
(P.M.)

WPA 3796 of 2021
Panchanan Dalai & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Udaynarayan Betal,
Mr. Bhaskar Hutait
... for the petitioners

Mr. Ritwik Pattanayak
... for the respondent No. 7

Mr. Jayeeta Sinha,
Mr. Ranjit Rajak
.... For the State.

The petitioners allege illegal and unauthorized construction being carried on in Mouza Tentulia, J.L. No. 78, Plot No. 378, P.S. Sankrail, District Jhargram without a sanction plan by the private respondent.

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

The learned advocate representing the private respondent submits, upon instruction, that the construction is being made in accordance with the plan sanctioned by the Gram Panchayet.

The petitioners claim to have objected to the alleged unauthorized construction by a representation before the Pradhan, Andhari Gram Panchayet.

None appears on behalf of the Pradhan of the Gram Panchayet despite service. Affidavit of service filed in Court is taken on record.

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. 6, Pradhan, Andhari Gram Panchayet 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 six months 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 petitioners, 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 petitioner.

The petitioners are directed to forward a copy of the representation dated 2nd March, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 3796 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.)