

23.03.2021
p.b.
Sl. No.129

W.P.A. 4578 of 2021

Najir Hossain Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Md. Ali Monsoor.
.....for the petitioners.
Mr. Chandra Nath Sarkar.
.....for the respondent no.9.

The affidavit of service filed in Court today be kept with the record.

None appears on behalf of the gram panchayat despite service.

The petitioners allege illegal and unauthorized construction by the private respondents.

The petitioners claim that the representation filed by them before the gram panchayat has not been considered by the respondent authorities till date.

The private respondent denies the allegation of the petitioners. It has been submitted that application has already been made for grant of sanction plan for making the construction in question.

As it appears that the representation filed by the petitioner alleging unauthorized construction is pending construction 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 nos.6 and 7, the Pole Ghat Gram Panchayat and its Prodhan respectively to consider and dispose of the representation dated January 2, 2020 made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. The said respondents shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioners, immediately thereafter.

In the event the aforesaid respondents are 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 respondents 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 merit 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 January 2, 2020 to the aforesaid respondents at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)