

Court No. 24

02.07.2021

(Item No. 13)

(AB)

W.P.A 4586 of 2021
(Via Video Conference)

Joynal Abedin Mondal & Anr.

vs

The State of West Bengal & Ors.

Mr. Mrityunjoy Chatterjee

Md. G. N. Imrohi

..... for the petitioners

Mr. Partha Pratim Roy

Mr. Subhra Nag

..... for the Respondent no.7

None appears on behalf of the Panchayat despite service. Affidavit of service filed in Court today is taken on record.

The petitioners allege illegal and unauthorized construction by the respondents. It is the specific case of the petitioners that the construction has been made without obtaining any plan from the Gram Panchayat. The petitioners rely upon the information supplied under the Right to Information Act wherein it has been mentioned that the Panchayat did not pass the plan for construction of building in the said premises.

The petitioners made representation against such unauthorized construction before the Pradhan of the Panchayat on 4th January, 2021 and complains that the same has not been taken into consideration till date.

The learned advocate representing the respondent No. 7 submits, upon instruction, that construction which is alleged to be made

unauthorisedly is an old one. The learned advocate submits that the same has been constructed strictly in accordance with the plan sanctioned by the Panchayat long ago.

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 Tenkaraipur Balumati Gram Panchayat being the respondent No. 4 through the Pradhan Tenkaraipur Balumati Gram Panchayat being the respondent No. 5 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 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 respondents at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representation dated 04.01.2021 to the aforesaid respondents at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)