

18.03.2021
SL No. 123
Court No.24
(P.M.)

WPA 4670 of 2021

**Sandhya Rani Maity & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Manoranjan Jana
... for the petitioners

Mr. Sudipto Panda,
Ms. Munmun Tiwari
.... For the State.

Petitioners allege illegal and unauthorized construction by the private respondent in a portion of the plot No. 1267, L.R. Khatian No. 906, Mouza Ghantua, J.L. No. 303, P.S. Contai.

Petitioners submit that immediately upon getting notice of the aforesaid illegal construction a representation was made before the Prodhan on 29th January, 2021. Upon the instruction of the Pancyhayet and the Police the private respondent temporarily stopped the construction, but thereafter he has again resumed construction at a very first phase.

None appears on behalf of the Gram Panchayet and the Prodhan. The respondent No. 8 i.e. the private respondent herein has refused to accept service of the copy of the writ petition. Affidavit of service filed in Court is taken on record.

Learned advocate appearing on behalf of the State respondent submits that the police instructed the private

respondent not to carry on any further construction over the said plot of land.

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 nos. 2 and 3 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 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.

Petitioners are directed to forward a copy of the representation dated 29th January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 4670 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.)