

Item No.114

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

04.03.2021
Ct-24

W.P.A.3086 of 2020
Molla Rashida Bagum
v
The State of West Bengal & Ors.

Mr. R.I.Sardar
Mr. Keshab Chandra Das
... for the petitioner.

Ms. Monjuli Chowdhury
Ms. Mekhla Sinha
... for the respondent nos. 2 & 3.

None appears on behalf of the panchayat despite service.

The petitioner alleges illegal and unauthorized construction without a sanctioned plan in the Dag Nos. 1426, 1427, Hal Khatian No. 4908.

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

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. 7 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.

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 unauthorized construction, in accordance with law.

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 February 12, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 3086 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)