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26.02.2021.
d.p.

**W.P.A 4777 of 2021
(Via Video Conference)**

**Asish Jana
-versus
The State of West Bengal & Ors.**

**Mr. Md. Sarwar Jahan,
Mr. Jayanta Samanta.
...For the Petitioner.**

**Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty.
...For the State.**

**Mr. Salil Kumar Maiti.
...For the Respondent
Nos. 4 and 5.**

The petitioner alleges illegal and unauthorized construction over the Dag No. 646, Mouza-Ajra, J.L. No. 151, Khatian No. 1568 by the private respondents in making construction without a sanction plan.

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

The learned advocate appearing for the private respondents submits that they are not making any construction. They are only repairing the previous dilapidated structure which was standing in the said premises.

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.2 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.

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.

The petitioner is directed to forward a copy of the representation dated 30th January, 2021 to the

aforesaid respondent at the time of communicating the order of the Court.

W.P.A. 4777 of 2021 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)