

23.03.2021
p.b.
Sl. No.131

W.P.A. 4818 of 2021

Hasem Ali Gazi
Vs.
The State of West Bengal & Ors.

Mr. Md. Giasuddin Mulla.
.....for the petitioner.
Ms. Sima Adhikari,
Ms. Kakali Naskar.
.....for the State.

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

None appears on behalf of the private respondents
and the gram panchayat despite service.

The petitioner alleges illegal and unauthorised
construction by the private respondents without taking the
necessary sanction from the gram panchayat.

The petitioner filed representation objecting to such
unauthorised construction before the Pradhan of the
Minakhan Gram Panchayat and complains that the said
representation has not been considered by the respondent
authorities till date.

As it appears that the representation filed by the
petitioner alleging unauthorised construction is pending
for 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 no.3, Prodhan, Minakhan Gram Panchayat to consider and dispose of the representation dated January 25, 2021 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 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 unauthorised construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorised 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 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 January 25, 2021 to the aforesaid respondent 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.)