

Item No. 133

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

23.03.2021
Ct-24

W.P.A. 4927 of 2021
Sk. Abdul Rajjak
v
State of West Bengal & Ors.

Mr. Mrityunjay Chatterjee
Md. G.N. Imrohi
Mr. D. Majumdar
... for the petitioner.

The petitioner alleges illegal and unauthorized construction by the private respondents without obtaining any sanction plan from the Panchayat.

The petitioner, in reply to a query made under the Right to Information Act, 2005 was intimated by the Pradhan of the Gram Panchayat that, no plan was sanctioned for making new building in favour of the private respondents.

The petitioner thereafter made representation before the Panchayat on January 19, 2021 against the unauthorized construction and complains that the same 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 nos. 4 & 5, Hurshi Gram Panchayat and its Prodhan respectively 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, 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 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

respondents at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated January 19, 2021 to the aforesaid respondents at the time of communicating the order of the Court.

WPA 4927 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.

Sh

(Amrita Sinha, J.)