

Item No. 135

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

23.03.2021
Ct-24

W.P.A. 4962 of 2021
Subal Chandra Jana & Ors.
v
The State of West Bengal & Ors.

Mr. Nirmalendu Patra
Mr. Debnarayan Patra
... for the petitioners.

Ms. Sipra Majumdar
Mr. Prativa Ghatak
... for the State respondents.

The petitioners allege unauthorized construction by the private respondents without leaving the mandatory side open spaces. The petitioners complain that the objection filed against such unauthorized construction has not been considered by the respondent authority till date.

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. 4 & 5, Prodhan and

Padima-II Gram Panchayat 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 twelve weeks from the date of communication of a copy of this order. The said respondents shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

In the event the aforesaid respondents are 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 petitioners 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 petitioners are directed to forward a copy of the representation dated January 15, 2021 to the aforesaid respondents at the time of communicating the order of the Court.

WPA 4962 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.

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(Amrita Sinha, J.)