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08.04.2021.  
d.p.

**W.P.A 4997 of 2021  
(Via Video Conference)**

**Maheswar Mallick  
-versus  
The State of West Bengal & Ors.**

**Mr. Anjan Dutta.  
...For the Petitioner.**

**Mr. Lakshinath Bhattacharya.  
...For the Respondent  
Nos. 8, 9 and 10.**

**Sk. Mujibur Rahaman,  
Mr. Subhendu Banerjee.  
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondents.

The petitioner raised an objection before the respondent authorities including the Pradhan of the Deulbari Gram Panchayat by a letter posted on 10<sup>th</sup> February, 2021.

The petitioner complains that the same has not been considered by the respondent authorities till date.

The learned advocate appearing for the private respondents denies the allegation of the petitioner. It has been submitted that the plot in question is an undivided and undemarcated piece of land.

It has been denied that the private respondents are making any construction as alleged by the petitioner.

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. 6, being the Pradhan, Deulbari Gram Panchayat herein to consider and dispose of the representation made by the petitioner strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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 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.

The petitioner is directed to forward a copy of the representation posted on 10<sup>th</sup> February, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 4997 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.

**( Amrita Sinha, J.)**