

Item No.36

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

13.04.2021  
Ct-24

W.P.A.5023 of 2021  
Sikha Dolai  
v  
The State of West Bengal & Ors.

Mr. Debasis Sur  
Mr. Mrinmoy Chatterjee  
... for the petitioner.

None appears on behalf of the respondents.  
Affidavit-of-service filed in Court is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondent, without a sanction plan, over a water body without taking the necessary permission from the Gram Panchayat.

The petitioner made representation before the Panchayat and claims 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 no. 2, Prodhan, Goura Gram

Panchayat 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.

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 January 28, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 5023 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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( **Amrita Sinha, J.**)