

Item No.37

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

13.04.2021
Ct-24

W.P.A.5162 of 2021
Debdas Mondal

v

The Nabagram Gram Panchayat & Ors.

Mr. Suchindram Bhattacharyya
... for the petitioner.

Leave granted to the learned advocate-on-record of the petitioner to file affidavit-of-service in the course of the day.

None appears on behalf of the respondents.

The petitioner alleges illegal and unauthorized construction by the private respondents without obtaining any sanction plan. The petitioner through his learned advocate served a notice upon the Gram Panchayat objecting to the unauthorized construction. The same has not been considered 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. 1, Nabagram 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 December 23, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 5162 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.)