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05.03.2021.
d.p.

**W.P.A. 3542 of 2019
(Via Video Conference)**

**Sonapan @ Sonavan Bibi
-versus
Noornagar Gram Panchayat & Ors.**

**Mr. Srikanta Dutta,
Ms. Rituparna Sarkar Dutta.
.... For the Petitioner.**

The petitioner alleges that a plan was sanctioned for construction of a building by the Pradhan of the Noornagar Gram Panchayat in Dag No.-2118, Mouza-Bosnabenapur, J.L. No.-22.

The allegation of the petitioner is that the land in question is a joint property of the parties and the Panchayat ought not to have taken steps for permitting the private respondents for making construction thereon.

The petitioner raised an objection before the Pradhan of the Gram Panchayat by a communication dated 26th December, 2018. The petitioner alleges that the said representation has not been considered by the Pradhan till date.

None appears on behalf of the respondents.

As it appears that the representation of the petitioner alleging fraud at the time of obtaining the sanction plan in respect of the aforesaid premises is pending consideration at the end of the Pradhan, 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 being the Pradhan, Noornagar Gram Panchayat to take steps for consideration of the representation of the petitioner, strictly in accordance with law, after giving an opportunity of hearing to the petitioner as well as the private respondents 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.

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 Panchayat Authority shall not enter into the private disputes between the parties and only restrict the consideration with regard to practice of fraud at the time of obtaining the permission for construction.

The petitioner is directed to forward a copy of the representation dated 26th December, 2018 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 3542 of 2019 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)