

Court No. 24
18.03.2021
(Item No. 130)
(AB)

W.P.A 5249 of 2021
Shri Mrinal Biswas
vs
The State of West Bengal & Ors.

Mr. Golam Mustafa
Mr. T. S. Samanta
..... for the petitioner
Mr. Ashis Guha
Mr. Naren Ghosh Dastidar
..... for the State

Affidavit of service filed in Court is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondent without a proper sanction plan and without leaving the mandatory side spaces in the Plot No. 727, Khatian No. 06, Mouza - Karimpur, District – Nadia.

The petitioner made representation before the Pradhan of the Gram Panchayat and the Officer-in-charge of the Karimpur Police Station objecting the aforesaid illegal and unauthorized construction. The same has not been considered till date.

None appears on behalf of the Panchayat and the private respondent despite service.

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 Karimpur - I Gram Panchayat being the respondent No. 6 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 unauthorised 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

petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioner is directed to forward a copy of the representation dated 15.02.2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)