

Court No. 24
23.02.2021
(Item No. 122)
(AB)

W.P.A 3550 of 2020

Ashifur Rahaman
vs
The State of West Bengal & Ors.

Mr. Kushal Chatterjee
Mr. Subhasish Mitra
Mr. Debabrata Ray
...for the Petitioner

Mr. Asish Kumar Guha
Mr. N. G. Dastidar
.... For the State

None appears on behalf of the private respondents despite service. Affidavit of service filed by the petitioner is taken on record.

The petitioner alleges illegal and unauthorized construction being carried on at LR Dag No. 707, J. L. No. 57, Mouza – Milky, Block – Singur, District – Hooghly, which is recorded as ‘pukur’ in the record of rights maintained by the Block Land and Land Reforms Officer.

The petitioner made a representation before the respondent authorities by a letter dated 2nd December, 2019 and a further representation before the District Magistrate, Hooghly and the Block Land and Land Reforms Officer, Singur, Hooghly regarding illegal construction over the water body on 12th September, 2019 and 22nd January, 2020 respectively.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

The learned advocate for the State respondent does not have any instructions in this matter.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction over the water body 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, Balarambati Gram Panchayet 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, 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 petitioner is directed to forward a copy of the representation dated 2nd December, 2019 along with supporting documents of the record of rights to the aforesaid respondent at the time of communicating the order of the Court.

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

(Amrita Sinha, J.)