

Court No. 24

23.03.2021

(Item No. 143)

(AB)

W.P.A 5456 of 2021

Mohanlal Adhikary

vs

The State of West Bengal & Ors.

Mr. Sandipan Banerjee

Mr. Pinaki Ranjan Chakraborty

..... for the petitioner

Mr. Santanu Kumar Mitra

Mr. Mirza Kamruddin

..... for the State

Mr. Prasenjit Mukherjee

Mrs. Sudakshina Dey

... for the respondent No. 11

The petitioner alleges that the private respondents are making construction in deviation of the plan that has been sanctioned in their favour by the Panchayat by not leaving the mandatory side open spaces.

The petitioner made representation before the respondent authorities through his learned advocate on 10.02.2021 and alleges that the same has not been considered by the respondent authorities till date.

The learned advocate appearing on behalf of the private respondents submits, upon instructions, that the construction is being made strictly in accordance with the plan sanctioned in their favour by the Panchayat.

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 Baniban Gram Panchayat, being the respondent No. 8 and the Prodhan, Baniban Gram Panchayat being the respondent No. 9 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 petitioners 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 respondents at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 10.02.2021 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.)