

23.03.2021
p.b.
Sl. No.148

W.P.A. 5617 of 2021

Kashinath Mondal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Moniruzzaman
...for the petitioners.

Mr. Manas Kumar Das
.....for the respondent nos. 7 & 8.

Mr. Debjit Mukherjee,
Ms. Rupsha Chakraborty.
.....for the State.

Affidavit of service filed in Court today be kept with
the record.

The petitioners and the private respondents are the
adjacent plot holders. The petitioners complain that the
private respondents are making construction by
encroaching upon their private land. The petitioner made
representation before the Pradhan of the gram panchayat
on 15th February, 2021 and complains that the same has
not been considered by the respondent authority till date.

The private respondents submit that they are
making construction over their own land after obtaining
necessary permission from the panchayat.

According to the petitioners their plot number is
1237. The petitioners submit that the plot number of the
private respondent is 1237/2528.

As it appears that the representation filed by the petitioner alleging unauthorised construction is pending for construction 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 nos.5 and 6, Khargram Gram Panchayat and its Pradhan respectively to consider and dispose of the representation dated February 15, 2021 made by the petitioners, 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 petitioners, 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 unauthorised 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 merit of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondents at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representation dated February 15, 2021 to the aforesaid respondents 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.)