

Court No. 24

WPA 6017 of 2021

25.03.2021

(DL 159)

(S. Banerjee)

Jahanara Khatun

Vs.

The State of West Bengal & Ors.

Mr. Keshab Chandra Das

Ms. Aparajita Mondal

... for the petitioner

Mr. Gazi Faruque Hossain

Ms. Priyanka Mondal

... for the private respondents

The petitioner alleges that the private respondents are making unauthorised construction without a sanction plan in such a manner that his passage is being obstructed. The petitioner raised objection before the Pradhan of the Gram Panchayat on 9th July, 2020 and complains that the same has not been taken up for consideration till date.

Learned advocate appearing on behalf of the private respondents denies the contention of the petitioner. It has been submitted that only a boundary wall up to the permissible limit is being raised by the private respondents. It has been specifically denied that any pucca construction is being raised without any sanction plan.

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 respondent nos. 6 and 7, Dasghara No. 1 Gram Panchayat through its Prodhan to consider and

dispose of the representation made by the petitioner, strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.

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 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.

The petitioners are directed to forward a copy of the representation dated 9th July, 2020 to the aforesaid respondents at the time of communicating the order of the Court.

WPA 6017 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)