

S/L 14
12.03.2021
Court No.24
SB

**WPA 4328 of 2020
(Via Video Conference)**

Basu Santra @ Basudeb Santra
Vs.
The State of West Bengal & Ors.

*Mr. Tanmoy Mukherjee
Mr. K. Raihan Ahmed*

...for the Petitioner.

*Ms. Monjuli Chowdhury
Ms. Mekhla Sinha*

...for the Respondent nos. 3 and 4.

*Mr. Animesh Paul
Ms. Fatima Hassan*

...for the Respondent no. 8.

Affidavit of service filed in court today is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondent in R.S Dag No. 5205, L.R. Plot No. 5312, Khatian No. 629, J.L. No. 2, Village Majerhat, PO- Chamrail, PS Liluah, Howrah, without leaving the mandatory side open spaces and without obtaining any sanction plan.

The petitioner filed a representation before the Gram Panchayat and the Pradhan by a letter dated 20th December, 2019 which was received by the Gram Panchayat on 3rd January, 2020.

The petitioner alleges that the same has not been considered by the respondent authority till date.

The learned advocate representing the private respondent submits that the construction in question had been constructed sometime in the year 1989 strictly in accordance with plan sanctioned.

None appears on behalf of the Gram 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 respondent no 6 being the Jagadishpur Gram Panchayat 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 six months 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 against 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 petitioner is directed to forward a copy of the representation dated 20.12.2019 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 4328 of 2020 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.)