

Court No. 24

25.03.2021

(Item No. 170)

(AB)

W.P.A 6432 of 2021

Arun Kumar Singha

vs

The State of West Bengal & Ors.

Mr. Samiran Mandal

Mr. Abhinaba Dan

..... for the petitioner

Mrs. Sima Adhikari

Ms. Kakali Naskar

..... for the State

The petitioner alleges that the private respondent is making unauthorized construction over agricultural land without obtaining necessary conversion and without leaving the mandatory side open spaces.

The petitioner objected to the aforesaid unauthorized construction by a representation dated 25.01.2021 before the Pradhan of the Gram Panchayat. The petitioner thereafter served a notice demanding justice through his learned advocate on 04.02.2021 and complains that the same has not been taken into consideration by the respondent authorities till date.

None appears on behalf of either the Panchayat or the private respondent despite service. Affidavit of service filed in Court is taken on record.

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 Solda Gram Panchayat being the respondent No. 4 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, 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 unauthorised 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 respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representations dated 25.01.2021 and 04.02.2021 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.)