

Court No. 24

25.03.2021

(Item No. 173)

(AB)

W.P.A 6596 of 2021

Ranjit Kundu

vs

The State of West Bengal & Ors.

Mr. Dhananjay Banerjee

Ms. Oindrila Ghosh

..... for the petitioner

Mr. Sk. Mujibar Rahaman

Mr. Somraj Dhar

..... for the State

The petitioner alleges unauthorized construction by the private respondent without obtaining the sanction plan.

The petitioner was intimated by the Joint Block Development Officer on 18th January, 2021, in response to a query under the Right to Information Act, 2005, that the private respondent has not sought for permission and/or plan for construction over the plot No. 1384 (old)/3335 (new), L.R. Plot No. 362 under Mouza – Jalaghata, J.L. No. 79.

The petitioner raised objection against unauthorized construction before the respondent authorities and complains that the same has not been considered by the respondent authorities till date.

None appears on behalf of the respondents despite service. Affidavit of service filed in Court is taken on record.

The learned advocate appearing on behalf of the State submits that he does not have any instructions in the matter.

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 Block Development Officer, Singur Development Block being the respondent No. 3 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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioner is directed to forward a copy of the representation dated 27.01.2021 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.)