

25.03.2021  
SL No. 180  
Court No.24  
(P.M.)

**WPA 6797 of 2021**  
**Bimal Jana & Anr.**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Manoranjana Jana,  
Mr. Radhasyam Maiti  
... for the petitioners  
Mr. Amit Baran Dash  
... for respondent No. 7

Mr. Ansar Mondal, A.G.P.  
Mr. Sougata Mitra  
... For the State.

The petitioners allege illegal and unauthorised construction by the private respondents. It has been submitted that the private respondents have constructed a toilet encroaching a part of the private land of the petitioners and a portion of the land of the Government. The said toilet is just adjacent to the dwelling house of the petitioners.

Petitioners raised objections before the respondent authorities by a letter dated 8<sup>th</sup> January, 2021 and complain that the same has not been considered by the respondent authorities till date.

The learned advocate representing the private respondents submits, upon instruction, that the construction has been made after obtaining the permission from the erstwhile owner of the said plot of land. The learned advocate, however, is not aware as to whether any

permission from the Panchayet was obtained prior to making the aforesaid construction.

As it appears that the representation of the petitioners 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. 3 being the Prodhan, Talgachhari No. 1 Gram Panchayet to consider and dispose of the representation 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 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 petitioners are directed to forward a copy of the representation dated 8<sup>th</sup> January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 6797 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.)**