

08.04.2021
SL No. 224
Court No.24
(P.M.)

WPA 7202 of 2021
Shubhasis Chatterjee
Vs.
The State of West Bengal & Ors.

Mr. Amitesh Chakraborty,

... for the petitioner

Ms. Sipra Majumdar
Mr. Khairul Alam

... for the State

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

The petitioner alleges illegal and unauthorised construction on the plot No. 1320, Khatian Nos. 1190 and 1191, Mouza Lalpur, J.L. No. 89 under Bandipur Gram Panchayet.

The petitioner made several representations before the respondent authorities objecting to the unauthorised construction without a sanction plan. Lastly the petitioner through his learned advocate served a notice demanding justice by letter dated 22nd September, 2020 and complains that the same has not been taken into consideration till date.

The petitioner relies upon a communication dated 28th July, 2020 issued by the Prodhan of the Gram Panchayet in response to a query made by the petitioner

under the Right to Information Act, 2005 that no permission for making construction over the plot of land in question has been granted by the Panchayet.

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, Prodhan, Bandipur Gram Panchayat 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 representation dated 22nd September, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 7202 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.)