

08.04.2021
SL No. 227
Court No.24
(P.M.)

WPA 7781 of 2021
Md. Sahidur Rahaman
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Seth,
... for the petitioner

Mr. Subrata Bhattacharjee
.... For the respondent No. 9 & 10

The petitioner alleges illegal and unauthorised construction by the private respondent. He complains that objection raised by him against such unauthorised construction has not been considered by the respondent authority till date.

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

Learned advocate appearing on behalf of the private respondent denies the allegation of the petitioner. It has been submitted that there is a valid sanction plan in their favour for making construction and the private parties have made construction strictly on the basis of plan sanctioned 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, Sankarhati-II Gram Panchayat through the respondent No. 7, Prodhan 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 received by the Gram Panchayet on 24th February, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 7781 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.)