

08.04.2021
SL No. 232
Court No.24
(P.M.)

WPA 7858 of 2021
Prasanta Ghosh
Vs.
The State of West Bengal & Ors.

Ms. Sinjari Bandyopadhyay,

... for the petitioner

Mr. Manoj Malhotra,
Mr. Jaydip Basu

... for the State

The petitioner alleges illegal and unauthorised construction by the private respondent.

The petitioner complains that the representation filed by him objecting to such unauthorised construction by letter dated 11th August, 2020 has not been considered by the respondent authority till date.

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

It appears from the documents annexed to the writ petition that the Sub-Divisional Officer, Sadar (North Sub-Division) Purba Bardhaman by a communicating memo No. 4402/CS dated 12th November, 2020 requested the Block Development Officer, Burdwan-I Development Block to take steps pursuant to the complaint lodged by the petitioner.

The petitioner has specifically alleged that the respondent authorities are siding with the private

respondent and encouraging him for making unauthorised construction.

In view of the aforesaid submission, the Court thinks it fit to direct the Sub-Divisional Officer being the respondent No. 3 herein to conduct an enquiry in the matter and take necessary steps for consideration of the representation made by the petitioner by his letter dated 11th August, 2020, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, 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 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 11th August, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

The respondent Nos. 5 and 6 being the Baghar II Gram Panchayet through its Prodhan shall render all necessary assistance and cooperation to the men and agent of the Sub-Divisional Officer, Burdwan Sardar at the time of conducting the enquiry.

WPA 7858 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.)