

Court No. 24

13.04.2021

(Item No. 43)

(AB)

**W.P.A 7905 of 2021
(via video conference)**

Mosst. Makama @ Sakasa Khatun

vs

The State of West Bengal & Ors.

Mr. S. M. Ismail

..... for the petitioner

Leave is granted to the learned advocate on record of the petitioner to correct the description of the respondent No. 5 in the cause title of the writ petition.

The petitioner complains of unauthorized construction by the private respondents without any sanction plan and without obtaining the permission for conversion of the classification of the land. It has been submitted that the land in question is recorded as 'bagan' where construction is not permitted without conversion of the same.

The petitioner raised objection to the unauthorized construction by a representation dated 30th January, 2021 and complains that the same has not been taken up for consideration till date.

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

As it appears that the representation of the petitioner objecting to the 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 Gram Panchayat through the Prodhan, Furfura Gram Panchayat being the respondent No. 5 herein 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 unauthorized 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 30th January, 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.)