

Court No. 24

20.04.2021

(Item No. 52)

(AB)

W.P.A 8075 of 2021

Chowdhury Razzakul Kadir & Anr.

vs

The State of West Bengal & Ors.

Mr. Mahim Sasmal

Mr. Md. Hasanuzzaman

..... for the petitioners

Mr. Ashis Guho

Mr. Naren Ghosh Dastidar

..... for the State

The petitioners allege illegal and unauthorized construction over an agricultural plot of land by the private respondent.

The petitioner made representation before the Pradhan of the Gram Panchayat by letter dated 1st February, 2021 objecting to such unauthorized construction and complains that the same has not been taken into consideration by the respondent authorities till date.

The learned advocate representing the private respondent submits that he is the Bargadar of the land in question and has constructed a small construction in the land in question long back after taking permission from the erstwhile owner of the land. It has been further submitted that the petitioners purchased the land in question only in the year 2020 and is trying to evict him from the said Bargadarship.

The issue to be decided in the instant petition is whether there is any unauthorized construction or

not. The matter is not regarding taking a decision relating to the Bargadarship of the land in question.

From the submissions of the parties it appears that the land in question is an agricultural land. Construction is usually not made over agricultural land.

None appears on behalf of the Gram Panchayat despite service.

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 Pradhan, Malihatti Gram Panchayat being the respondent No. 9 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 1st February, 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.)