

Court No. 24

28.06.2021

(Item No. 20)

(AB)

**W.P.A 10654 of 2021
(Via Video Conference)**

Sri Susanta Naskar

vs

The State of West Bengal & Ors.

Mr. Deb Kumar Chandra

Mr. Rafikul Islam Sardar

..... for the petitioners

Mr. Uday Sankar Chattopadhyay

Mr. Santanu Maji

..... for the private Respondents

Mr. Partha Pratim Roy

Mr. Ayan Banerjee

..... for the State

Affidavit of service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondents over a joint property. The petitioner made representation before the respondent authority and thereafter filed a demand justice through his learned advocate on 12th April, 2021 praying for demolition of unauthorized construction which was being made without a sanction plan.

The learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that a partition suit is pending disposal before the learned 10th Civil Judge, Senior Division at Alipur being Title Suit No. 276 of 2021.

None appears on behalf of the Panchayat.

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 Panchayet Pradhan, Rasputja Gram Panchayet being the respondent No. 7 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 12.04.2021 to the aforesaid respondent at the time of communicating the order of the Court.

The respondent No. 7 shall ensure that no construction is made by the private respondents devoid a proper sanction plan.

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.)