

Item No.10

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

29.06.2021
Ct-24

WPA 10678 of 2021
Sri Rabin Kumar Basu
v.
The State of West Bengal & Ors.

Mr. Mahendra Prasad Gupta
Mr. Dilip Kumar Saila
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Rajat Dutta
... for the State.

The petitioner complains of illegal and unauthorized construction by the respondent no. 3. The petitioner sought information under the Right to Information Act, 2005 and he has been informed that no application and no building plan has been submitted in the office, accordingly no question for sanction in respect of the land arises.

The petitioner thereafter made a representation through his learned advocate before the Panchayat Pradhan on June 9, 2021 praying for taking suitable steps against the illegal and unauthorized construction.

The petitioner alleges that the representation has not been taken up for consideration by the respondent authority till date.

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. 2, Pradhan, Rajarhat-Bishnupur-I Gram Panchayet 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 June 9, 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 given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)