

30.06.2021  
(S/L-14)  
Ct.-24  
(S.K. & S.M)

**(Via Video Conference)**

W.P.A. 10706 of 2021

Rouf Mallick & Anr.  
-Vs-  
The State of West Bengal & Ors.

Mr. Gautam Banerjee.  
..... For the Petitioners.

Ms. Jhuma Chakraborty,  
Mr. Uttam Kumar De.  
.... For the State respondents.

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

The petitioners allege illegal and  
unauthorized construction by the private  
respondents.

The petitioners made representation before  
the police as well as before the Gram panchayat  
and complain that the same has not been taken  
up for consideration till date.

None appears on behalf of the panchayat  
authority.

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 respondent no. 6, Jothsriram Gram Panchayat through the respondent no. 7 being the Pradhan, Jothsriram Gram Panchayat to consider and dispose of the representation made by the petitioners strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.

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 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.

The petitioners are directed to forward a copy of the representation dated 8<sup>th</sup> June, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The Panchayat authority shall ensure that no unauthorized construction is carried on at the premises by any party.

WPA 10706 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.)