

30.06.2021
(S/L-18)
Ct.-24
(S.K. & S.M)

(Via Video Conference)

W.P.A. 10743 of 2021

Saheb Ghosh & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya.

..... For the Petitioners.

Mr. Tapan Kumar Mukherjee,

Mr. Rajat Dutta,

.... For the State respondents.

Mr. Kamalesh Jha,

.... For the respondents.

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

The petitioners complain of illegal and unauthorized construction by the private respondent No.7, Nasiruddin Khan.

The petitioners allege that the objection raised against such illegal and unauthorized construction has not been considered by the respondent authorities till date.

The learned advocate representing the private respondent submits, upon instruction, that the construction has been completed long ago and that too strictly within his own premises and in accordance with the plan sanctioned by the Panchayat.

It has further been submitted that the petitioner has made construction without leaving the mandatory side open spaces.

The allegation of not leaving side spaces at the time of making construction has been disputed by the petitioner.

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.5 being the Pradhan, Sahajadapur 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 18th June, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 10743 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.)