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26.02.2021.
d.p.

**W.P.A 9868 of 2018
(Via Video Conference)**

**Soumen Bharasa
-versus
The State of West Bengal & Ors.**

**Mr. Sourav Sen,
Mr. Partha Chakraborty,
Ms. Disha Shukla,
Ms. Sayani Bhattacharya.
...For the Petitioner.**

**Mr. Ujjal Roy,
Ms. Arpa Chakraborty.
...For the Respondent
Nos. 11 to 25.**

The petitioner alleges illegal and unauthorized construction without any permission and/or sanction plan from the Panchayat in L.R. Dag Nos. 300, 1511/2110, 1511, 1511/2111, L.R. Khatian Nos. 89/1, 1/1, 45/1, 54/1, 380/1, 756/1, 481/1, 503/1, 83/1, 89/1, 931/1, J.L. No. 32, Mouza-Kushangran, Block-Minakhan, P.S. Minakhan under Bamanpukur Gram Panchayat, District North 24-Parganas, Pin-743425.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

The learned advocate appearing for the private respondents submits that the area is a Bazar and the Bazar Committee has the permission from the Panchayat for making the necessary constructions/repairs of the shop rooms situated in the said Bazar.

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.8 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, 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.

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 respondent authorities will restrict the consideration only with regard to unauthorized construction that is alleged to have been made in the said premises and will not decide upon the right, title

and interest of either of the parties in the instant writ petition.

The petitioner is directed to forward a copy of the representation dated 8th May, 2018 to the aforesaid respondent at the time of communicating the order of the Court.

W.P.A. 9868 of 2018 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)