

Item No.8

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

26.02.2021
Ct-24

W.P.A.10668 of 2019
Suniti Bala Naiya
v
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
... for the petitioner.

None appears on behalf of the private respondents
and the Pradhan despite service.

Affidavit-of-service filed in Court today be kept on
record.

The petitioner alleges illegal and unauthorized
construction being made by the private respondents in
the R.S. Plot No. 2598, R.S. Khatian No. 1184, L.R. Plot
No. 2312, J.L. No. 71, Mouza- Ghoradal, Police Station-
Mathurapur, District- 24 Parganas.

The petitioner sought for information from the
Block Development Officer as to whether any permission
was granted for making construction in the aforesaid
plot of land. In response to the query of the petitioner
the Joint Block Development Officer, Mathurapur-1
Development Block intimated the petitioner that no
record regarding permission for erecting building on the

abovementioned land is available in the office of the Pradhan, Dakshin Laxminarayanpur Gram Panchayat. The petitioner has objected to the aforesaid unauthorized construction by a representation to the Pradhan on March 1, 2019.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities 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. 6 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 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 March 1, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 10668 of 2019 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)