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23.03.2021.
d.p.

**W.P.A 18973 of 2019
(Via Video Conference)**

**Motilal Ghosh & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Sounak Bera,
Mr. Arindam Ganguly.
...For the Petitioners.**

**Mr. Swapan Banerjee,
Mr. Sougata Mitra.
...For the State.**

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

None appears on behalf of the private respondents in spite of service.

The grievance of the petitioners is that the private respondents have constructed their house by encroaching upon the Panchayat road. The Pradhan of the Gram Panchayat has certified that the private respondents have constructed their house on the road recorded in the name of the Panchayat.

The petitioners have approached the Block Land & Land Reforms Officer and also the other respondent authorities by representations dated 29th February, 2018 and 17th June, 2019.

The petitioners allege that none of the representations have been considered by the respondent authorities till date.

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. 4, being the Satma Gram Panchayat No.1, Gopiballavpur No.1 Panchayat Samity 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 17th June, 2019 to the

aforesaid respondent at the time of communicating the order of the Court.

WPA 18973 of 2019 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.)