

Court No. 24

16.03.2021

(Item No. 101)

(AB)

W.P.A 21016 of 2019

Sri Ranjit Samanta & Anr.

vs

The State of West Bengal & Ors.

Mr. Salil Kumar Maiti

Ms. Pinki Saha

..... for the petitioners

Mr. Tapas Kumar Adhikari

Mr. Bipin Ghosh

..... for the State

Affidavit of service filed in Court is taken on record.

The petitioners allege illegal and unauthorized construction by the private respondents without a sanction plan in Dag No. 893, R.S. Plot No. 757, Mouza – Hogalberia, J.L. No. 14, P.O. Tamluk, District – Purba Midnapore. The land in question is recorded as agricultural land in the record of rights and construction is being made without converting the classification of the land.

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

None appears on behalf of the respondents despite service.

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 Pradhan, Balluk-II Gram Panchayat being the respondent No. 3 to consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, at the earliest, but positively within a period of six months 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 petitioners 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

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 petitioners are directed to forward a copy of the representation dated 24th September, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)