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16.04.2021.
d.p.

**W.P.A 22489 of 2019
(Via Video Conference)**

**Shyama Prasad Porel
-versus
The State of West Bengal & Ors.**

**Mr. Arik Banerjee,
Mr. Uday Narayan Betal,
Sk. Toslim Ali.
...For the Petitioner.**

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

The petitioner alleges illegal and unauthorized construction without a sanction plan by the private respondents.

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 private respondent in spite of service.

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 nos. 6 and 7, the Secretary, Tajpur Gram Panchayat and Prodhan, Tajpur Gram Panchayat respectively to consider and dispose of the

representation made by the petitioner 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 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 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 petitioner is directed to forward a copy of the representation dated 25th November, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 22489 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.)