

Item No. 28

20.01.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)

WPA No. 25488 of 2018
Sri Nena Rishi Das @ Nena Das
v.
The State of West Bengal & Ors.

Mr. Koustav Bagchi
Mr. Gourab Kumar Nath
... for the petitioner.

Mr. Sougata Mitra
... for the State respondents.

Leave is granted to the petitioner to implead Hingalganj Gram Panchayat as party respondent in the instant writ application. Copy of the writ petition appears to have been served upon the Secretary and the Pradhan of the said Gram Panchayat. None appears on behalf of the Panchayat despite service.

The petitioner alleges illegal and unauthorized construction being carried on at Plot No. 4358, Mouza-Hingalganj, R.S. Khatian No. 1311, Dag No. 4358, Hal Dag No. 3040 and J.L. No. 97.

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. 7A being Hingalganj Gram Panchayat 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 eight 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.

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 sent to the respondent authorities on 28th September, 2018 along with other necessary documents to the aforesaid respondent at the time of communicating the order of the Court.

WPA No. 25488 of 2018 stands disposed of.

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

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(Amrita Sinha, J.)