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19.03.2021.
d.p.

**W.P.A. 25544 of 2018
(Via Video Conference)**

**Suhrid Saran Das
-versus
The State of West Bengal & Ors.**

**Mr. Amit Baran Dash..
...For the Petitioner.**

**Mr. Uttam Kr. Bhattacharya.
...For the Respondent No.5.**

**Mr. Majibur Rahman,
Mr. Anand Farmania.
...For the State.**

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

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

The petitioner alleges illegal and unauthorized construction over a pathway by the private respondents on the Dag No.82, Mouza-Paschim Bhanganmari, J.L. No.58, Block – Khejuri-II, P.S.-Khejuri, District-Purba Medinipur.

The petitioner was informed under the Right to Information Act from the Janka Gram Panchayat that no permission or sanction has been granted in favour of the private respondents for making construction over the said plot of land.

The Zilla Parishad has intimated the petitioner that they have not granted any permission for construction over the said plot of land.

The learned advocate appearing for the Zilla Parishad submits that the land in question belongs to the Zilla Parishad and no permission has been issued by them to the private respondents for making any construction thereon.

The petitioner objected to the said illegal construction by making representation before the respondent authorities on 10th September, 2018. The same has not been considered till date.

As it appears that there is a specific finding from the Gram Panchayat and the Purba Medinipur Zilla Parishad that no permission/sanction has been granted to the private respondents to make construction over the pathway, accordingly, the writ petition is disposed of by directing the respondent nos. 9 and 10, the Janka Gram Panachayat and its Prodhan, 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, at the earliest, but positively within a period of twelve weeks from the date 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 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 10th September, 2018 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 25544 of 2018 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)