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09.03.2021.
d.p.

**W.P.A 7559 of 2020
IA No. CAN 1 of 2020
(Via Video Conference)**

**Nityananda Dalal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Surya Prasad Chattopadhyay,
Mr. Arjun Samanta.
...For the Petitioners.**

**Mr. P.P. Roy,
Mr. Ayan Banerjee.
...For the State.**

The petitioners complain of unauthorized construction without a sanction plan by the private respondent on the Dag No. 1286, Mouza-Panshila, Khatian R.S.- 31.

The petitioners complain 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 and the Pradhan in spite of 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 respondent no. 4, Majdia Panshila Gram Panchayet 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 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 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 Panchayat Authority will not decide the right, title and interest of the parties and will restrict the decision only with regard to unauthorized construction being made without a sanctioned plan.

The petitioners are directed to forward a copy of the representation dated 17th January, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

W.P.A. 7559 of 2020 and the CAN 1 of 2020 are disposed of.

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

(Amrita Sinha, J.)