

43
20.04.2021.
d.p.

**W.P.A 7581 of 2020
IA No. CAN 1 of 2020
(Via Video Conference)**

**Basanti Manna
-versus
The State of West Bengal & Ors.**

**Mr. Mukteshwar Maity.
...For the Petitioner.**

The petitioner complains of unauthorized construction. The complaint filed by the petitioner objecting to such unauthorized construction by a letter dated 3rd September, 2020 has not been considered till date.

By an order dated 21st October, 2020, this Court directed the respondent No.5 i.e. the Pradhan of the Gram Panchayat to depute appropriate personnel to the locale and submit a report as to whether there subsist any unauthorized construction as complained of or not.

The learned advocate appearing for the petitioner submits that though an inspection was conducted but no report thereof has been forwarded to the petitioner till date.

None appears on behalf of the respondents at the time of call.

In a reply to the query made by the petitioner under the Right to Information Act, 2005, the learned advocate appearing for the petitioner submits, that

information has been supplied on 24th September, 2020 that unauthorized construction is being carried on in the said premises.

The communication dated 24th September, 2020 by the Executive Assistant of the Gram Panchayat is, however, not on record.

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. 5, being the Pradhan, Chakmanik Gram Panchayat herein 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 3rd September, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 7581 of 2020 and CAN 1 of 2020 are 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.)