

25.02.2021
SL No.123
Court No.24
(P.M.)

WPA 7706 of 2020
With
IA No. CAN 1 of 2020

Sk. Firoj Ali @ Sk Firoj
Vs.
The State of West Bengal & Ors.

Mr. Ravi Ranjan Kumar
... for the petitioner

Mr. Shyamal Kumar Das,
Ms. Smita Pal
... for the private respondents.

Mr. Raja Saha,
Mr. Amit Kumar Ghosh
... for the State.

The petitioner alleges that the private respondents are making unauthorised construction over the L.R. Dag No. 235, R.S. Dag No. 281, J.L. 41, Mouza Bhadua under Bhagabatipur Gram Panchayet.

The petitioner sought for information from the Prodhan of the Gram Panchayet as to whether any plan was sanctioned for making construction over the said plot of land. The Prodhan of the said Gram Panchayet allegedly intimated the petitioner by a communication dated 13th August, 2020 that no plan has been sanctioned in favour of Sk. Mehrajul @ Sekh Mehrazul for making construction over the aforesaid plot of land.

The petitioner submits that, thereafter the petitioner made a representation before the respondent authorities praying for demolition of the unauthorised construction made thereon.

The learned advocate representing the private respondents submits, upon instruction, that there is a valid sanction plan in respect of the said plot of land. The private respondents have sought for cancellation of the communication which was made by the Prodhan on 13th August, 2020.

Though there is nothing on record to show that the copy of the writ petition was received upon the Gram Panchayet but as it appears that the representation of the petitioner is pending consideration at the end of the Panchayet, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Bhagabatipur Gram Panchayet being the respondent no. 4 herein to consider 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 twelve 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 shall forward a copy of the representation dated 17th August, 2020 which was addressed to the Sabhapati of the Panchayet Samity to the aforesaid respondent at the time of communicating the order of the Court.

WPA 7706 of 2020 along with CAN 1 of 2020 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.)