

Item No. 116

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

04.02.2021
Ct-24

W.P.A.8193 of 2020
Gobinda Monddal
v.
The State of West Bengal & Ors.

Mr. Mukteswar Maity
... for the petitioner.

Mr. Manaj Malhotra
Mr. Debasish Chattopadhyay
... for the State.

The petitioner has challenged the unauthorized construction in the undivided plot of land in Plot No. 3782, Sabek Khatian No. 986, Mouza-Chandi, P.S.-Bishnupur, District South 24-Parganas.

According to the petitioner a partition suit is pending in between the petitioner and the private respondents. A preliminary decree was passed but the final decree is yet to be drawn up.

The petitioner alleges that the private respondents are making construction without obtaining any sanction plan from the Panchayat authority. The petitioner claims to have raised an objection through his learned advocate on March 4, 2020 but there is no proof of service of the said letter upon the Gram Panchayat.

The petitioner has however annexed a postal receipt to show that the complaint was sent to the Officer-in-Charge of the concerned police station.

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.6 to consider and dispose of the objection made on behalf of 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 is directed to forward a copy of the representation dated March 4, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA No. 8193 of 2020 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.**)