

146
25.03.2021.
d.p.

**W.P.A 8315 of 2020
(Via Video Conference)**

**Dipak Chatterjee & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Arif Ali.
...For the Petitioners.**

**Mr. Lalit Mohan Mahata,
Ms. Sangeeta Ray.
...For the State.**

**Ms. Sayanti Santra.
...For the Respondent No.9.**

The petitioners allege unauthorized construction of a wall and building by the private respondents.

The petitioners objected to the aforesaid unauthorized construction by a representation dated 24th September, 2020.

The petitioners complain that the same has not been considered by the respondent authorities till date.

The learned advocate appearing for the private respondents denies the allegation of the petitioners. It has been submitted that the construction has been made strictly in accordance with the plan sanctioned.

None appears on behalf of the Panchayat 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 nos. 6 and 10, the Prodhan, Mashila Gram Panchayat to consider and dispose of the representation made by the petitioners 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 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 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 petitioners are directed to forward a copy of the representation dated 24th September, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 8315 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.)