

Court No. 24  
**19.03.2021**  
(Item No. 16)  
(AB)

**W.P.A 8639 of 2020**  
Sk. Nanna Mohammad & Anr.  
vs  
The State of West Bengal & Ors.

Mr. Uttam Kumar Bhattacharyya  
Mr. Kaustav Mishra  
..... for the petitioners  
Mr. Debjit Mukherjee  
Ms. Susmita Chatterjee  
..... for the State  
Mr. Gurudas Mitra  
Ms. Jonaki Saha  
... for respondent Nos. 11 & 12

The petitioners allege that the private respondents are carrying on construction in deviation of the plan sanctioned by the Panchayat without leaving the mandatory side open spaces in the Plot No. 178, Mouza – Paikan Dakshin Barh, P.S. Pingla, J.L. No. 104, District – Paschim Medinipur.

The petitioners made representation before the Panchayat by letter dated 22<sup>nd</sup> July, 2020 objecting the aforesaid illegal and unauthorized construction. The same has not been considered by the respondent authority till date.

The learned advocate appearing on behalf of the private respondents denies the allegation of the petitioners. It has been submitted that construction has been made and completed strictly in accordance with the plan sanctioned by the Panchayat.

None appear on behalf of the Dhaneswarpur Gram Panchayat despite 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 Dhaneswarpur Gram Panchayat and the Pradhan, Dhaneswarpur Gram Panchayat being the respondent Nos. 9 and 10 respectively 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 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 petitioners, immediately thereafter.

In the event the aforesaid respondents are 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 unauthorised construction, in accordance with law.

The aforesaid respondents 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.

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 respondents at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representation dated 22<sup>nd</sup> July, 2020 to the aforesaid respondents at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

**(Amrita Sinha, J.)**