

Item No.204

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

08.04.2021
Ct-24

W.P.A. 9028 of 2020
Durgabati Mondal
v
The State of West Bengal & Ors.

Mr. Ramkrishna Roy
... for the petitioner.

Mr. Sandip Ghosh
Ms. Riya Ghosh
... for the respondent nos. 5 & 6.

Mr. Lalit Mohan Mahata
Mr. Prasanta Bihari Mahata
... for the State.

The petitioner complains of unauthorized construction by the private respondents over the roof of the property in question without taking any sanction from the Panchayat. The petitioner objected to the said unauthorized construction without sanctioned plan before the Gram Panchayat by representation dated May 18, 2018 followed by reminder dated October 15, 2020 and complains that the same have not been taken into consideration till date.

The learned advocate appearing on behalf of the private respondents submits that only repairing works

were carried on in the construction which already existed in the said premises.

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. 3, Prodhan, Joteghanashyam Gram Panchayat to consider and dispose of 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.

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.

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.

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 representations dated May 18, 2018 and October 15, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 9028 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.

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(**Amrita Sinha, J.**)