

95
05.02.2021.
d.p.

**W.P.A 9032 of 2020
(Via Video Conference)**

**Sk. Aslam Ali & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Md. Sarwar Jahan,
Mr. Md. Feroze Hassan,
Mr. Sirajul Haque Mondal.
...For the Petitioners.**

**Mr. Pantu Deb Roy,
Mr. Pannalal Banduopadhyay.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

Supplementary filed by the petitioners is taken on record.

The petitioners raise issue of illegal and unauthorized construction by the Nibra Star Sporting Club being the respondent Nos. 9 and 10 herein in respect of the land being R.S. Plot No.3414 and L.R. Plot No.3437, JL No. 51, Mouza-Nibra within Domjur Police Station, Howrah. According to the petitioners, they are the owners of the land in question and the record of rights in respect of their ownership in respect of the land is annexed at page 15 of the writ petition.

The petitioners further submit that the club has presently affixed a sign board over the said illegal construction that has been made in the premises to show that the same is being used as 'Anganwari Kendra', Nibra, Mollapara, Howrah.

The petitioners raised objection by letter dated 25th September, 2020 before the Officer-in-charge of the Domjur Police Station and the Block Development Officer, Domjur, Howrah. Objection was raised by letter dated 10th October, 2020 before the Pradhan, Salap No. 2 Gram Panchayat. The petitioners allege that none of the representations have been considered by the authorities till date.

The learned advocate appearing for the State respondents submits, upon instruction, that on receipt of the complaint of the petitioners an inspection was made on 5th September, 2020 by the Sub-Inspector of the Domjur Police Station wherefrom it transpired that one temporary structure of hutment was made by Nibra Star Sporting Club by the side of Kona expressway.

According to the said police officer the ownership of the land is in dispute. The police officer asked both the parties to maintain peace over the said issue and according to the police there has been no breach of peace in the said area, since thereafter.

It appears from the instructions given by the Domjur Police Station that admittedly a temporary structure has been constructed by the Nibra Star Sporting Club.

The petitioners have already lodged a complaint before the Pradhan of the Gram Panchayat alleging illegal and unauthorized construction.

The Pradhan, Salap No.2 Gram Panchayat being the respondent No.8 is directed to take prompt necessary steps to consider the objection that was

made by the petitioners in their letter dated 10th October, 2020, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, 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.

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 Pradhan shall restrict the consideration only in respect of the allegation with regard to illegal and unauthorized construction and will not decide the issue of right, title and interest of any of the parties.

W.P.A. 9032 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)