

Item No.8

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

26.03.2021
Ct-24

W.P.A.9584 of 2020
Sri Dibyendu Dash
v
The State of West Bengal & Ors.

Mr. Bharat Chandra Simai
... for the petitioner.

Mr. Debnarayan Banerjee
... for the respondent no.10.

The petitioner alleges illegal and unauthorized construction by the private respondent without any sanction plan. The petitioner raised objection before the Pradhan of the Gram Panchayat and complains that the same has not been taken into consideration till date.

The learned advocate appearing on behalf of the private respondent denies the contention of the petitioner. It has been submitted that the construction has been made in an un-demarcated plot of land.

None appears on behalf of the Panchayat despite service. Affidavit-of-service filed in Court is taken on record. Track report has been filed by the petitioner showing that the postal article has been received by the respondent authorities.

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, Soutia 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, 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 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.

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 November 12, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 9584 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.

Sh

(Amrita Sinha, J.)