

Court No. 24
05.02.2021
(Item No. 101)
(AB)

W.P.A 10407 of 2020
Sri Harekrishna Das
vs
The State of West Bengal & Ors.

Mr. Debasish Das
...for the Petitioner
Mr. Himadri Kumar Mahata
Mr. Ziaul Haque
..... For respondent Nos. 7-10
Mr. Tarun Kumar Ghosh
Ms. Debarati Bose
.... For the State
Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha

Affidavit of service filed on behalf of the
petitioner is taken on record.

The petitioner alleges illegal and unauthorized
construction without a sanction plan in J.L No. 416,
Mouza – Kanaidighi, R.S. plot No. 2556/2312, L.R.
plot No. 1299 and R.S. plot No. 2555, L.R. plot No.
1294, Police Station Marishda, District Purba
Medinipur.

The petitioner has made a representation
before the respondent authorities by a letter dated
15.10.2020. The petitioner alleges that no steps have
been taken by the respondent authority for
consideration of his representation.

The learned advocate appearing on behalf of
the private respondents submits that the construction
which has been alleged to have been illegally made is

standing thereon for a considerable period of time and it was constructed by their forefather. The private respondent happens to be the recorded owner of the plots in question.

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. 5 the Pradhan, Kanaidighi no. 4 Gram Panchayet 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 Pradhan shall not enter into the issue of right, title and interest of the property in question and decide only in respect of the objection with regard to the illegal and unauthorized construction made in the said premises. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

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 made on 15.10.2020 to the aforesaid respondent at the time of communicating the order of the Court.

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

(Amrita Sinha, J.)