

S/L 23
19.03.2021
Court. No. 24
suwayan

WPA 10454 of 2020

Kartik Bose
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Sabhan Majumder

...for the Petitioners.

Affidavit of service is filed in Court today be kept with the record.

None appears on behalf of the respondents despite service.

The petitioner complains that the private respondents are making unauthorized construction by encroaching the public road in Gram Rammohan Polly, No.1 Dighierpar, Police Station Canning, District Sough 24 Parganas.

The petitioner raised objection before the Sub-Divisional Officer, Canning Sub-Division and also before the Prodhan, Dighierpar Gram Panchayat by letters dated 28th January, 2020 and 13th February, 2020 respectively.

The petitioner complains that none of the aforesaid representations have been considered by the respondent authorities till date.

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 respondent no 5 being the Pradhan, Dighierpar Gram Panchayat to consider and dispose of the representation made by the petitioner, strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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 petitioners.

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.

The petitioner is directed to forward a copy of the representation dated 13th February, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 10454 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Amrita Sinha, J.)