

Court No. 24
25.03.2021
(Item No. 148)
(AB)

W.P.A 10983 of 2020

Tahir Jaman Laskar
Vs
The State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. G. C. Samanta
..... for the petitioner

The petitioner alleges that the private respondents are making unauthorized construction over the agricultural plots of land by encroaching the land of the petitioner, without obtaining the necessary conversion and without obtaining proper sanction from the Panchayat authority.

The petitioner objected to the aforesaid unauthorized construction by a representation dated 20th November, 2020. The petitioner complains that the same has not been taken into consideration by the respondent authorities till date.

None appears on behalf of the respondents despite service. Affidavit of service filed in Court is taken on record.

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 Belegachi Gram Panchayat being the

respondent No. 5 and the Prodhan, Belegachi Gram Panchayat being the respondent No. 6 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 respondents shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

In the event the aforesaid respondents are 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 unauthorised construction, in accordance with law.

The aforesaid respondents 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 representation dated 20.11.2020 to the aforesaid respondents at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)