

Item No.12

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

26.03.2021
Ct-24

W.P.A.11650 of 2020
Subhendu Dutta
v
The State of West Bengal & Ors.

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

Mr. Ziaul Islam
... for the State.

The petitioner alleges illegal and unauthorized construction by the private respondent without obtaining a sanction plan. The petitioner complains that his objection against such unauthorized construction has not been considered by the respondent authority till date.

None appears on behalf of either the Panchayat or the private respondent 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 authority, 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, Panchberia 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 December 18, 2020 to the

aforesaid respondent at the time of communicating the order of the Court.

WPA 11650 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.)