

D/L
Item No. 55
17.08.2022
KOLE

WPA 133 of 2022

Palash Das
-Vs.-
The State of West Bengal & Ors.

Mr. Raj Kumar Sain,

...for the petitioner.

Mr. Lalit Mohan Mahata,
Mr. R. De,

...for the State.

Affidavit of service filed in court today be kept with the records.

The petitioner alleges that the private respondents are raising boundary wall in violation of the provisions of the West Bengal Panchayat Act, 1973. The petitioner filed representation before the Pradhan of the Gopalnagar Gram Panchayat on 8th November, 2021 and alleges that the same has not been taken into consideration till date.

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, Gopalnagar 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 three months from the date 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 Panchayat Authority will not decide the right, title and interest of the parties and will restrict the decision only with regard to unauthorized construction being made without a sanctioned plan.

The petitioner is directed to forward a copy of the representation dated 8th November, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)