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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 2287 of 2022

**Radharaman Samabay Krishi
Unnayan Samity Ltd. & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Sanjay Patra.
...For the Petitioners.**

**Mr. Manas Kundu,
Mr. Debabrata Mondal.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners allege illegal and unauthorized construction by the respondent No.13. The construction is being made in accordance with the PMAY-Gramin Scheme.

As per the said Scheme, no sanction is required for making construction. The person making construction is, however, required to follow the building rules.

The B.L. & L.R.O. has opined that both the petitioners as well as the respondent no.13 have made construction in violation of the building rules.

The respondent no. 13 and the Panchayat authority are not represented in Court.

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. 4, the Sub-Divisional Officer, Contai to consider and dispose of the representation made by the petitioners, 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 petitioners, 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 petitioners 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 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 petitioners are directed to forward a copy of the representation dated 23rd December, 2021 addressed to the Block Land & Land Reforms Officer, Contai III to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)