

Sl. No.93
(Monthly List)
05.07.2022
Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 3220 of 2021

Mangal Murmu
v.
State of West Bengal & Ors.

Mr. Anindya Sundar Das
Mr. Diptendu Mandal
Mr. Avipsa Sarkar

... for the petitioner

Mr. Rajarshi Basu
Mr. K. M. Hossain

... for the State

The petitioner alleges illegal and unauthorised construction by the respondent nos.5,6,7,8 & 9 in the plot at Mouza-Khayerbani, J. L. No.99, Dag Nos.944/1089, 949/1085 in Village-Gecho, Post Office-Behar, Police Station-Indus, District-Bankura-722205.

The petitioner claims to have made representation before the Pradhan Mangalpur Gram Panchayat in March, 2020 and alleges that same has not been taken up for consideration till date.

On a perusal of the documents annexed to the writ petition it appears that the representation filed by the petitioner alleging unauthorised construction is an extremely sketchy one devoid of necessary details.

Accordingly, leave is granted to the petitioner to make fresh representation before the Pradhan of the Gram Panchayat giving details of the unauthorised construction that are alleged to have been made by the private respondents.

In the event such a representation is made by the petitioner, the same shall be considered by the Pradhan of the Mangalpur Gram Panchayat strictly in accordance with law after giving opportunity of hearing to all the necessary parties within a period of twelve weeks from the date of receipt of the representation from the petitioner.

The said respondent shall pass a reasoned order and communicate the same to the parties 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.

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.

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 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.)