

08
07.06.2022
d.p.

W.P.A. 2945 of 2022

**Badal Chandra Ghorai
-versus
The State of West Bengal & Ors.**

**Mr. Salil Kumar Maiti,
Mr. Pinaki Saha.
...For the Petitioner.**

**Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick.
...For the Respondent
Nos. 1 to 8.**

**Ms. Sipra Majumder,
Ms. Sangita Roy.
...For the State.**

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

None appears on behalf of the private respondent in spite of service.

The petitioner alleges illegal and unauthorized construction by the respondent No.9 over an agricultural plot of land in Mouza-Lakshya, J.L. No. 161, Plot No. 391.

The petitioner lodged a complaint before the Lakshya-I Gram Panchayat and in response to the said complaint the Upa Pradhan of the Gram Panchayat issued a stop work notice to the private respondent.

The allegation of the petitioner is that despite the stop work notice, the private respondent merrily went on with the construction work. The Pradhan of the

Gram Panchayat did not take any step to dispose of the complaint lodged by the petitioner.

As it appears that the complaint filed by the petitioner alleging illegal and unauthorized construction is pending consideration at the end of the Panchayat, accordingly, the instant writ petition is disposed of by directing the respondent No.5 to dispose of the said representation and conclude the proceeding to be initiated by the Panchayat, strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of receipt of a copy of this order.

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.)