

19.07.2022
Item No.79
Ct. No.24
CHC
(disposed of)

W.P.A.4120 of 2022

Sri Uttam Das & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Saibal Acharya,
Mr. Pradip Paul,
Mr. Gourab Ghosh
...for the petitioners

Mr. Animesh Paul
...for the respondent nos.8 to 18

The affidavit-of-service filed in Court is taken on record.

The petitioners allege illegal and unauthorised construction at the instance of the private respondents in plot nos. 334, 334/944 and 334/945 under Mouza- Belkulai, J.L. No.31 under the jurisdiction of Sahapur Gram Panchayat.

The petitioners submit that private respondents are making construction thereon without obtaining any permission from the Panchayat Authority. A representation was filed on behalf of the petitioners before the Panchayat Authority on 24th of February, 2022. Petitioners allege that the same has not been taken up for consideration till date.

Learned advocate representing the private respondents denies the allegation made by the petitioners.

It has been submitted that over the selfsame cause of action a Civil Suit is pending before the learned Court below.

As it appears that there is an allegation of unauthorised construction and the Pradhan of the Gram Panchayat is the authority to look into the issue, accordingly, the instant writ petition is disposed of by taking the Pradhan, Sahapur Gram Panchayat to consider the representation filed on behalf of the petitioners on 24th February, 2022 strictly in accordance with the law, after giving opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the case of the petitioners and all points are left open to be decided by the said respondent at the time of consideration of the representation filed on behalf of the petitioners. The aforesaid respondent shall not enter into or decide any private disputes between the parties.

The petitioners are directed to forward a copy of the legal representation dated 24th February, 2022 to

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

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)