

**Sl. No.64**  
**26.07.2022**

Court No.24  
B.M.

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

**W.P.A 5103 of 2022**

**Sri Chandan Kumar Das**  
**versus**  
**State of West Bengal & Ors.**

Mr. Sobhan Majumder  
Ms. Kalpita Paul

... for the Petitioner.

Mr. Gourav Das

... for the State

Mr. Salil Kumar Maiti  
Mr. Pinaki Saha

... for the respondent nos.5 to 8

Learned advocate representing the respondent nos.5 to 8 has filed his Vakalatnama in the department being filing No.A-6150 dated 07.04.2021.

The department is directed to tag the Vakalatnama with the records of the present case.

The petitioner alleges that the private respondents are making illegal and unauthorised construction without leaving the mandatory side open spaces.

Learned advocate representing the private respondent denies the allegation of the petitioner and submits, upon instruction that, only repairing was being done and no new construction has been made thereon.

It has further been submitted that sanction has not been taken for making the repairing work.

None appears on behalf of Debhog Gram Panchayat.

The petitioner has objected before the Pradhan of the Gram Panchayat by filing a representation on 8<sup>th</sup> March, 2022 and alleges that the same has not been taken up for consideration till date.

It appears that a Title Suit is pending in between the parties and the learned Civil Judge, Senior Division, Haldia has passed an order directing the parties to maintain status quo in respect of the nature, character and possession of the scheduled property.

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 Pradhan, Debhog Gram Panchayat, being the respondent no.4 herein 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 within a period of three months from the date of 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.

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 petitioner is directed to forward a copy of the representation dated 8<sup>th</sup> March, 2022 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, if applied for, be given to the parties on completion of usual formalities.

**( Amrita Sinha, J.)**

