

Sl. No.28
22.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 5149 of 2020

Hasina Begum
versus
The State of West Bengal & Ors.

Mr. Anindya Sundar Das
Mr. Shaunak Ghosh
Ms. Avipsa Sarkar
Ms. Ipsita Mukherjee

... for the Petitioner.

None appears for the respondents despite service.

Affidavit of service filed in Court is taken on record.

The petitioner complains of illegal and unauthorised construction at the instance of the private respondent over C.S & R.S Plot No.199 corresponding to R.S. Khatian No.517, J. L. No.12, Mouza-Raigachi, Police Station-Rajarhat, District-North 24 Parganas.

Accordingly, the instant writ petition is disposed of directing the Rajarhat Bishnupur, 1 no. Gram Panchayat, (respondent no.4 herein) and the Pradhan, Rajarhat Bishnupur, 1 no. Gram Panchayat to take steps to consider and dispose of the representation which was filed on behalf of the petitioner on 8th November, 2019 at the earliest after giving opportunity

of hearing to the petitioner and all other necessary parties.

The aforesaid respondent shall pass a reasoned order upon consideration of the representation at the earliest but positively within a period of three months from the date of communication of this order.

The said respondent shall communicate the reasoned order to all the parties immediately thereafter.

It is made clear that this Court has not entered into the merit of the claim of the petitioner and all points are left open to be decided by the respondent at the time of consideration of the representation of the petitioner.

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.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 8th November, 2019 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.)