

Sl. No.29
22.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 5175 of 2020

Kali Pada Alu
versus
The State of West Bengal & Ors.

Mr. M. A. Samad
Mr. M. Zahedi

... for the Petitioner.

None appears for the respondent 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 L. R. Plot No.1175 at Mouza-Laxmanchak.

Accordingly, the instant writ petition is disposed of directing the Pradhan, Goura Gram Panchayat, Post Office-Goura, Police Station-Daspur, District-Paschim Medinipur, being the respondent no.4, to take steps to consider and dispose of the representation which was filed on behalf of the petitioner on 4th March, 2020 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

positively within a period of three months from the date of communication of this order and communicate the reasoned order to all 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.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 4th March, 2020 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.)