

S/L. 88.
July 18, 2022.
MNS.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA No. 8562 of 2021

Manas Bijali
Vs.
The State of West Bengal and others

Mr. Rejaul Alam

... for the Petitioner.

Mr. Siddhartha Sarkar

...for the Respondent Nos. 5 and 6.

Mr. Sahid Anowar

...for the Respondent No. 7.

The learned advocate appearing for the respondent no. 7 has filed vakalatnama in the department under filing no. A-10822.

The department is directed to incorporate the same with the file.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent no. 10 on Plot No. 827, Mouja- Di-Jamtala under the jurisdiction of Nandigram Gram Panchayat No. 4.

The petitioner made representation before the Pradhan of the Nandigram Gram Panchayat No. 4 in March, 2021 and alleges that the said

representation has not been taken up for consideration till date.

It is the specific allegation of the petitioner that the construction is being made over a water-body.

None appears on behalf of the respondent no. 10, despite service.

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

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 respondent no. 7, Pradhan, Nandigram Gram Panchayet No. 4 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, at the earliest, but positively within a period of three months from the date 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.

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 Panchayat Authority will not decide the right, title and interest of the parties and will restrict the decision only with regard to unauthorized construction being made without a sanctioned plan.

The petitioner is directed to forward a copy of the representation dated March 9, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)