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

W.P.A. No. 9007 of 2021

**Anadi Prasad Hati
-versus
The State of West Bengal & Ors.**

**Mr. Uttiya Ray,
Mr. Arnab Mandal
...For the Petitioner.**

**Mr. Ziaul Islam,
Mr. K. Rahaman
...For State of West Bengal**

**Mr. Pritam Chowdhury
... for the respondent no. 2**

**Mr. Soumik Ganguli,
Mr. Sayan Ray
...for the private respondent no. 4**

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

The petitioner alleges illegal and unauthorized construction in L.R. Plot No. 1677, J.L. No. 52, Mouza – Amrul at the instance of the respondent no. 4. It is the specific case of the petitioner that the private respondent no. 4 is making construction without obtaining any sanction plan and without leaving the mandatory side open spaces.

The learned Advocate representing the private respondent no. 4 produces the sanction plan according to which the construction is being made and denies the allegation of unauthorized construction.

The petitioner made representation before the Pradhan of Amrul Gram Panchayat on March 05, 2021 and alleges that the same has not been taken up for consideration till date. The application made under the Right to Information Act seeking information with regard to the construction that has been made has also not been answered by the Pradhan of the said Gram Panchayat.

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. 2, Pradhan, Amrul Gram Panchayat 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 05, 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.)