

Sl. No.26
29.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8110 of 2022

Molla Niamotullah
Vs.
The State of West Bengal & Ors.

Mr. Suddhadev Adak

... for the petitioner

Mr. Malay Singh

Ms. Neelam Singh

... for the State

The petitioner alleges that the respondent nos.8 to 13 are making illegal and unauthorised construction over the sali land being dag no.1240.

The petitioner relies upon a communication made by the Khanakul-I Gram Panchayat on 10th May, 2022 intimating that the Panchayat did not grant any permission for making construction over the aforesaid plot of land.

The petitioner submitted representation before the Pradhan on 25th April, 2022 and alleges that the same has not been taken up for consideration till date.

None appears on behalf of the persons allegedly responsible for making construction.

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 aforesaid respondents will not be prejudiced if the present writ petition is disposed of in the following manner.

The writ petition is accordingly disposed of by directing the respondent nos.5 & 6 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 12 weeks 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 unauthorised 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 received by the Pradhan on 25th April, 2022 and a communication dated 10th May, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Copy of the communication dated 10th May, 2022 issued by the Pradhan Khanakul-I Gram Panchayat and the report filed by the Officer-in-Charge, Khanakul Police Station be retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)