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29.08.2022
d.p.

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

W.P.A. 8313 of 2022

**Nasir Ahamed Khan & Anr.
-versus
The State of West Bengal & Ors.**

**Ms. Priyanka Mondal.
...For the Petitioners.**

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

None appears on behalf of the respondents in spite of service.

The petitioners allege that the respondent Nos. 8 and 9 are making construction over sali and danga land without the necessary conversion.

According to the petitioners without obtaining the sanction/permission from the Gram Panchayat, the respondent Nos. 8 and 9 are making construction thereon.

The petitioners allege that the representation on 2nd March, 2022 before the Pradhan has not been considered till date.

As the representation of the petitioner is pending consideration no useful purpose will be served by keeping the writ petition pending and the private respondents will not be prejudiced in any manner.

The writ petition is accordingly disposed of by directing the respondent nos. 5 and 6 to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, 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 petitioners, 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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

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 petitioners are directed to forward a copy of the representation dated 2nd March, 2022 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.)