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29.08.2022
d.p.

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

W.P.A. 8316 of 2022

**Sk. Nur Alam
-versus
The State of West Bengal & Ors.**

**Ms. Priyanka Mondal.
...For the Petitioner.**

**Ms. Tarun Kumar Ghosh,
Ms. Debarati Sen (Bose).
...For the State.**

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

None appears on behalf of the respondent Nos. 6 to 9 in spite of service.

The petitioner alleges that the respondent Nos. 8 and 9 are making unauthorized construction without obtaining any sanction plan from the Gram Panchayat.

The petitioner and the private respondents are owners of adjacent plots of land.

The petitioner alleges that the representation filed against such unauthorized construction before the Pradhan of the Gram Panchayat 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 no. 7 being the Prodhan, Daskhara-I Gram Panchayat, Nelorpar, District-Hooghly 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 posted on 23rd April, 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.)