

Item No. 33

30.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8360 of 2022
Kukrahati Bazar Committee & Anr.
v.
The State of West Bengal & Ors.

Mr. Salil Kumar Maiti
Ms. Pinki Saha
... for the petitioners.

Mr. Malay Singh
Ms. Neelam Singh
... for the State respondents.

Mr. Udayan Ray
Mr. Sukanta Mondal
Mr. Debabrata Roy
... for the respondent no. 10.

The petitioners allege illegal and unauthorized construction at the instance of the respondent no. 10.

It is the specific contention of the petitioners that the private respondent was raising construction without obtaining any sanctioned plan from the Gram Panchayat. The petitioners made representation before the Gram Panchayat on March 14, 2022 and allege that the same has not been taken up for consideration till date.

Learned advocate representing the respondent no. 10 denies the allegation and submits that only minor repairing work has been done to the damaged portion of the said premises.

As it appears that the representation of the petitioners 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 nos. 5 & 7 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 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 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 March 14, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

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

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(Amrita Sinha, J.)