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03.08.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 12571 of 2021

**Sri Pulakesh Ghorai
-versus
The State of West Bengal & Ors.**

**Mr. Salil Kumar Maiti,
Ms. Pinki Saha.
...For the Petitioner.**

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

None appears on behalf of the respondents.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent No.9 over an agricultural plot of land in Dag No. 60, J.L. 123, Mouza-Lutunia, Block-Sabang, P.S. Sabang.

The petitioner claims to be a co-owner of the aforesaid plot of land.

It is the specific contention of the petitioner that construction has been made over agricultural plot of land without obtaining any sanction from the Panchayat.

The representation filed by the petitioner before the Panchayat in March 2021 as remained unanswered.

In view of the order that I propose to pass, none of the parties will be prejudiced, if the writ petition is disposed of in the following manner.

The writ petition is accordingly disposed of by directing the respondent no. 5, the Pradhan, Debhog 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 2nd March, 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.)