

Sl. No.89
13.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15585 of 2021

Kamala Rani Mondal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
... for the petitioners

None appears on behalf of the respondents.

Affidavit of service filed in Court is taken on
record.

The petitioners allege illegal and unauthorised
construction over L.R Dag Nos.28 & 30 under Mouza
Jagadipota, under Kheaydaha-II Gram Panchayat.

The petitioners rely upon a communication dated
1st June, 2016 issued by the Pradhan of the Gram
Panchayat mentioning that no plan has been
sanctioned for making construction over the aforesaid
plot of land.

The petitioners raised objection before the
Pradhan of the Gram Panchayat in the year 2021 and
allege that the same has not been taken into
consideration till date.

Accordingly, the instant writ petition is disposed of directing the Pradhan, Kheadaha-II Gram Panchayat, being the respondent no.3 herein to take steps to consider and dispose of the representation which is annexed at pages 14 to 16 of the writ petition at the earliest after giving opportunity of hearing to the petitioners and all other necessary parties.

The aforesaid respondent shall pass a reasoned order upon consideration of the representation positively within a period of twelve weeks from the date of communication of this order.

The said respondent shall communicate the reasoned order to all the parties 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.

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 annexed at pages 14 to 16 of the writ petition to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)