

Item No. 83

22.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16120 of 2022

Subir Kumar Bhadra & Anr.
v.
The State of West Bengal & Ors.

Mr. Ranjit Kumar Ray
Mr. Krishna Deo Das
... for the petitioners.

The petitioners allege illegal and unauthorized construction made at the instance of the respondent no. 8 just adjacent to the plot of the petitioners. It has been submitted that the construction of the petitioners is an old one and the manner in which the private respondent is making construction is damaging the existing old structure of the petitioners.

The petitioners made representation before the Pradhan of the Gram Panchayat in March 2022 and allege that the same has not been taken up for consideration till date.

The petitioners have annexed the photographs to show that the construction made by the private respondent is causing cracks in the structure of the petitioners.

It is the specific case of the petitioners that construction is made by the private respondent no. 8 by taking support from the wall of the petitioners.

None appears on behalf of either the Panchayat or the private respondent despite service.

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

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 no. 6, Pradhan, Nasratpur Gram Panchayet 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 March 9, 2022 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 after completion of all legal formalities.

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(Amrita Sinha, J.)