

Sl. No.48
17.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 20311 of 2021

Sankar Kumar Bachhar
Versus
The State of West Bengal & Ors.

Mr. Susnigdho Bhattacharyya
... for the petitioner
Mr. Lalit Mohan Mahata
Mr. Rudranil De
... for the State

The petitioner alleges illegal and unauthorised construction by the respondent nos.4 & 5 over Dag No.2344, Village & Post Office-Sindrani, Police Station – Bagdah, District-24 Parganas, PIN-743297 under the jurisdiction of Sindrani Gram Panchayat.

The petitioner relies upon information provided under the Right to Information Act by the Pradhan of the Gram Panchayat that no plan has been sanctioned for making construction over the aforesaid dag. The petitioner thereafter filed representation through the learned advocate before the Pradhan of the Gram Panchayat on 27.09.2021 and alleges that the same has not been taken up for consideration till date.

None appears either on behalf of the Gram Panchayat or the respondent nos.4 & 5 despite service.

Affidavit of service filed in Court is taken on records.

The writ petition is accordingly disposed of by directing the respondent no.3, being the Pradhan, Sindrani 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 petitioners within a period of 12 weeks from the date of 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 unauthorised 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 dated 27th September, 2021 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.)