

List dt.6.6.22
Item No. 185
20.06.2022
d.p.

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

W.P.A. 23179 of 2019

**Nur Mohammad Molla
-versus
The State of West Bengal & Ors.**

**Mr. Sandip Ghosh,
Ms. Shrabani Mishra.
...For the Petitioner.**

**Mr. Himadri Sikhar Chakraborty,
Mr. K.M. Hossain.
...For the State.**

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

None appears on behalf of the private respondent in spite of service.

The petitioner alleges illegal and unauthorized construction by the private respondent in the Dag No. 1453, Khatian No. 2067 and 1273, J.L. No. 86, Mouza- Padmapukur, P.S. Bhangar, District- South 24- Parganas under Narayanpur Gram Panchayat.

The petitioner has obtained information under the Right to Information Act and he has been informed by the Executive Assistant, Narayanpur Gram Panchayat that no permission/sanction plan has been granted for making construction over the aforesaid plot of land.

The petitioner made representation before the Pradhan of the Gram Panchayat on 8th November, 2019 praying for demolition of the unauthorized construction made thereon and alleges that the same has not been considered by the respondent authority till date.

As it appears that the representation of the petitioner 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, Narayanpur Gram Panchayet 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 8th November, 2019 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.)