

Item No. 418

25.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 23884 of 2019

Utpal Chattopadhyay & Ors.
v.
The State of West Bengal & Ors.
with
CAN 1 of 2022

Mr. Soumitra Deb
... for the petitioners.

Mr. Himadri Sikhar Chakraborty
Mr. Sanjib Kumar Daw
Ms. Priyanka Chandra
Ms. Barnali Gantait
... for the respondent no. 7.

CAN 1 of 2022

This is an application praying for recalling the order dated June 20, 2022 dismissing the writ petition for default.

I have perused the application for recalling and being satisfied with the grounds mentioned therein recall the order dated June 20, 2022.

The writ petition is restored to its original file and number.

CAN 1 of 2022 stands disposed of.

WPA 23884 of 2019

The petitioners allege illegal and unauthorized construction at the instance of the respondent no. 7.

Learned advocate representing the respondent no. 7 submits that the construction is being made in accordance with the plan that has been sanctioned.

The petitioners have filed representation before the Pradhan, Ruppur Gram Panchayat in December 2019 and allege that the same has not been taken up for consideration till date.

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. 2, Pradhan, Ruppur 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 petitioner 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 December 5, 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.

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(Amrita Sinha, J.)