

List dt.6.6.22
Item No. 193
20.06.2022
d.p.

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

W.P.A. 24264 of 2019

**Susanta Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Malay Bhattacharyya,
Mr. Subhrajyoti Ghosh.
...For the Petitioner.**

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

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

The petitioner claims that the private respondents who happens to be the co-sharer of the property in question is making unauthorized construction thereon without obtaining the sanction from the Panchayat.

The property in question was allegedly amicably settled between the petitioner and the private respondents.

The specific allegation of the petitioner is that the private respondents are encroaching upon the land of the petitioner and making construction without leaving the statutory open spaces.

The alleged unauthorized construction is made by the private respondents over the property situated at Mouza-Nasipur, J.L. No. 128, Dag No. 546, 547.

The petitioner claims to have made representation before the District Magistrate, Block Development Officer, Block Land and Land Reforms Officer and the Pradhan of the Panchayat.

The petitioner alleges that none of the representations have been considered by the authorities 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 nos. 6 and 7 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 respondents are 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 17th December, 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.)