

Sl. No.63
04.12.2023

Court No.24
BM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13874 of 2023

Srikanta Sahoo
Versus
The State of West Bengal & Ors.

Mr. Kaustav Chandra Das,
Mr. S. Ali

... for the Petitioner

Ms. Ipsita Banerjee
Ms. Srabani Biswas

... for the State

Mr. Nilanjan Bhattacharjee
Mr. Abhilash Chatterjee

... for the private respondents

Mr. Syed Nurul Arefin
Mr. Rahul Singh

... for the respondent nos.9 to 10

The petitioner's objection alleging illegal and unauthorized construction at the behest of the private respondent is pending consideration before the Gram Panchayat.

Learned advocate representing the private respondent denies the allegation of unauthorized construction.

Learned advocate representing the State respondent has obtained instruction from the BDO who has confirmed from the Pradhan of the Gram Panchayat that the construction made by the private respondent is without a valid sanctioned plan.

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. 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 within a period of three months 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.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

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.

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 1st June, 2023 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.)