

09.10.2023

Ct.No. 24
Sl.No. 24
Amalranjan

WPA 14583 of 2023

Pratap Pramanick and ors.

Vs.

The State of West Bengal & Ors.

Mr. Jahar Lal Roy

Ms. Kavita Rani

...for the petitioner

Mr. Bibekananda Tripathy

Mr. Kaustav Chatterjee

...for the State

The petitioner alleges illegal and unauthorised construction at the behest of the private respondents.

Objection filed against such unauthorised construction is pending consideration.

None appears either on behalf of the Panchayat or the private respondents.

As it appears that the representation of the petitioner objecting to the illegal and unauthorised 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. 4, Pradhan, Narayanitala 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 17th May, 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.)