

27
09.10.2023
A.G.M.

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

W.P.A 15881 of 2023

**Abubakkar Siddique Mondal & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Gourav Das
Mr. Ashraful Haq
...For the Petitioners.**

**Mr. Anand Farmania
Ms. Anima Chakraborty
...For the State.**

**Mr. Amanul Islam
Ms. Roma Roy
Mr. Sourav Mukherjee
...For the Respondent Nos. 9 to 12.**

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

None appears on behalf of the Panchayat.

The petitioners allege illegal and unauthorised construction at the behest of the private respondents.

On a perusal of the averments and the documents annexed to the writ petition, it appears that formal objection alleging unauthorised construction is yet to be filed before the Panchayat.

It will be open for the petitioners to raise formal objection giving details of the alleged unauthorised construction.

In the event such an objection is filed, the same shall be considered by the Panchayat in accordance with law after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of twelve weeks from the date of filing the objection.

Reasoned order shall be passed and communicated to the parties.

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.

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.)