

Item No.252

In the High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

03.10.2023  
Ct-24

WPA 15999 of 2023  
Tapan Kumar Sardar  
v.  
The State of West Bengal & Ors.

Mr. Sudarshan Ghosh  
... for the petitioner.

Mr. Priyankar Saha  
Mr. Balarko Sen  
... for the State.

Mr. Chandra Nath Sarkar  
Mr. Sounak Mondal  
... for the private respondents.

The petitioner alleges illegal and unauthorized construction at the instance of the private respondents. Specific allegation is that construction is being made without converting the classification of the land and without obtaining any sanction from the Panchayat. Objection filed against such unauthorized construction is pending consideration.

Learned advocate appearing for the private respondents denies the allegation of the petitioner.

It has been submitted that only for the purpose of preventing erosion of soil, guard wall has been constructed. No other construction has been made.

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. 4 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.

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 learned advocate for the petitioner is directed to forward the copy of the representation dated June 15, 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.

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**(Amrita Sinha, J.)**