

Item No.262

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24

WPA 17296 of 2023
Nirmal Dey & Anr.

v.

The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)
... for the petitioners.

Ms. Noelle Banerjee
Ms. Nilanjana Adhya
... for the State.

Mr. Arabinda Manna
... for the respondent no. 12.

The petitioners complain of illegal and unauthorized construction at the behest of the private respondent.

Learned advocate representing the private respondent denies the allegation of the petitioners. It has been submitted that only repairing work was made. After notice was served by the Panchayat, the private respondent stopped the work of construction.

The objection filed by the petitioners before the Panchayat is pending consideration.

As it appears that the representation of the petitioners 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. 10 to consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioners 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 petitioners 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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The learned advocate for the petitioners is directed to forward the copy of the representation dated January 13, 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.)