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05.12.2023
Court No. 24
AGM

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

W.P.A 18639 of 2023

**Bidyut Chakraborty
-versus
The State of West Bengal & Ors.**

**Mr. Uday Narayan Betal
...For the Petitioner.**

**Mr. Kamalesh Bhattacharya, Sr. Adv.
Mr. Swapan Kumar Pal
Ms. Rama Halder
...For the respondent nos. 11 and 12.**

**Mr. Nirmalya Biswas
... For the State.**

Allegation of the petitioner is that the private respondents are raising construction over a water body. Photographs have been annexed to the writ petition to show that the construction is over a water body.

Objection was lodged before the Gram Panchayat and the Panchayat Samity. The same is pending consideration.

Learned senior counsel representing the private respondents submits that a hearing was conducted but final order is yet to be passed.

Learned advocate for the petitioner submits that opportunity of hearing was not given to the petitioner.

Be that as it may, as it appears that an objection is pending consideration before the Panchayat and the Panchayat Samity no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent nos. 5 and 8, Daspur II Panchayat Samity and the Chaipat 5 Gram Panchayat respectively 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 6th 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.)