

33
05.12.2023
d.p.

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

W.P.A. 21014 of 2023

**Mizanur Rahaman Gazi & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Mohinoor Rahaman,
Ms. Maria Rahaman,
Ms. Iqra Rahaman.
...For the Petitioners.**

**Mr. Arjun Singh,
Mr. Ritesh Kumar Ganguly.
...For the State.**

**Mr. Animesh Paul.
...For the Respondent
Nos. 6 to 10.**

The petitioners' objection before the Pradhan alleging illegal and unauthorized construction at the behest of the private respondents is pending consideration.

Learned advocate appearing for the private respondents submits, upon instructions, that no recent construction has been made. Learned advocate is, however, not aware as to whether the existing construction was made relying upon any sanctioned plan.

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. 4, Murariushah Gram Panchayet 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, 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 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.

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 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 petitioners are directed to forward a copy of the representation dated 27th July, 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.)