

Ct. 24
Item No.1503(ML)
15.06.2023
(Suvendu)

WPA 19630 OF 2019

**Rabindranath Naskar & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Sukumar Ghosh
.....for the petitioners

The affidavit of service filed in Court today is taken on record.

None appears on behalf of the respondents.

The petitioners complain of illegal and unauthorized construction at the behest of the respondent no.4.

According to the petitioners, they are the bargadars of the land-in-question. The land is cultivable land and is within the possession of the petitioners. The private respondent allegedly made unauthorized construction on a portion of the land without obtaining any permission from the Panchayat. An objection was filed before the Pradhan of the concerned Gram Panchayat but the same has not been considered till date.

In the absence of the respondents, the issue cannot be decided conclusively.

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. 2 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.

The learned advocate for the petitioners is directed to forward a copy of the representation dated 14th August, 2019 to the aforesaid respondent at the time of communicating the order of the court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)