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06.12.2023
d.p.

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

W.P.A. 23547 of 2023

**Alem Ali Mondal & Ors.
-versus
The State of West Bengal & Ors.**

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

**Mr. Sounak Bhattacharya,
Mr. Sandip Bhattacharya.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

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

Complaint lodged against such unauthorized construction has not been disposed of by the Panchayat till date.

The Panchayat is not represented.

Learned advocate appearing for the private respondents denies the allegation of the petitioners. It has been submitted that the construction was made in the year 2018 in accordance with the plan sanctioned by the Gram Panchayat.

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 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.

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 28th August, 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.)