

Item No.15

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

17.10.2023
Ct-24

WPA 23836 of 2023
Sudip Samui & Ors.

v.

The State of West Bengal & Ors.

Mr. Subhabrata Datta
Mr. Aranya Saha
... for the petitioners.

Mr. Pankaj Halder
Mr. Kalpita Paul
... for the State.

Mr. Milan Kumar Maity
Mr. J.K. Ghosh
... for the respondent nos. 5 & 6.

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

Learned advocate representing the private respondents submits, upon instruction that, all allegations are vague and false. The private respondents are utilizing the said construction for a considerable period of time.

Learned advocate representing the State respondents submits that notice was issued by the police directing the parties not to make any type of construction work.

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. 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.

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 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 September 12, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Report filed by the police is taken on record.

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.)