

09.11.2023
Item No.31
Ct. No.5
Vacation Bench
CHC/S. De
(disposed of)

W.P.A.25882 of 2023

Smt. Sanaka Koley
Vs.
The State of West Bengal & ors.

Mr. Shaunak Ghosh,
Mr. Sourav Mondal
...for the petitioner

Mr. Santanu Kr. Mitra,
Mr. Amartya Pal
...for the State

The petitioner complains that the private respondents have illegally and arbitrarily blocked the ingress and egress to her premises. Complaint was lodged before the Pradhan of the Gram Panchayat on 31st October, 2023 and the same is pending consideration.

It has been submitted that illegal construction is being made to block the passage.

None represents either the private respondents or the Panchayat.

In view of the order that I propose to pass none of the non appearing parties would be prejudiced if the writ petition is disposed of in the following manner.

The writ petition is accordingly disposed of by directing the respondent no.2 being the Pradhan,

Sripatipur Ilipur Gram Panchayat to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving reasonable 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 31st October, 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.)