

M. 250
16.04.2024
AGM

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

W.P.A 180 of 2024

**Madan Pal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Dhananjoy Banerjee.
Ms. Oindrila Ghosh.
...For the Petitioners.**

**Mr. Ayan Banerjee.
Ms. Debjani Sengupta.
Mr. Dhiman Banerjee.
...For the private respondent.**

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

The grievance of the petitioners is that the private respondent is making construction over a plot of land which is classified as 'Suna' in the record of rights maintained by the Land Department.

Objection has been filed against such unauthorised construction and the same is alleged to be kept pending.

Learned advocate for the private respondent submits, upon instruction that, construction has been made in accordance with the plan sanctioned by the Gram Panchayat. Application has been made for conversion of the classification of the land.

Admittedly, it appears that as on date, the classification of the land has not been changed. The Court wonders as to how plan could be sanctioned for raising construction over a plot of land which is recorded as 'Suna'.

Nevertheless, as it appears that objection is pending consideration before the respondent authorities, accordingly, the instant writ petition is disposed of by directing the respondent no 5 to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an 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 posted on 18th December, 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.)