

Item No.256-ML

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.04.2024
Ct-24

WPA 727 of 2024

Smt. Maitri Ganguly
v.
The State of West Bengal & Ors.

Mr. Debabrata Roy
Mr. Manojit Pal
Mr. Ayan Mitra
Mr. Soumik Mondal
Mr. Sarbani Mukhopadhyay
... for the petitioner.

Mr. Chittapriya Ghosh
Mr. Kuntal Roy
Ms. Priyanka Saha
... for the private respondent.

Mr. Indranil Roy
Mr. Tapas Kumar Mandal
... for the State.

The petitioner is the mother of the private respondent no. 8. She alleges illegal and unauthorized construction at the behest of her son, the private respondent.

Learned advocate representing the private respondent submits that construction is being made over the plot of land which he purchased with one of his brothers and the construction is being made in accordance with the plan sanctioned by the Gram Panchayat.

It appears from the submissions made on behalf of the parties and upon perusal of the materials on record

that the petitioner is yet to raise a formal objection against her son highlighting the illegalities.

In view of the above, the instant writ petition is disposed of with the observation that it will be open for the petitioner to raise an exhaustive representation and if such a representation is filed the same shall be considered by the Gram Panchayat in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and by passing a reasoned order.

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 writ petition stands disposed of.

The report of the Officer-in-Charge, Amta Police Station signed on January 16, 2024 be retained with the records.

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.)