

Item No.257-ML

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.04.2024
Ct-24

WPA 736 of 2024

Satyaranjan Maity & Anr.
v.
The State of West Bengal & Ors.

Mr. Biswajit Sau
... for the petitioner.

The petitioners complain of illegal and unauthorized construction over patta plot of land which is recorded as 'Jal' in the records of the land department.

It has been submitted that a two storied building has been constructed without any sanction and shop room is running from the said unauthorized construction. Objection was filed before the respondent authorities including the Gram Panchayat but the same has not been considered.

None represents the respondents.

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

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

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 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 petitioners, 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.

Learned advocate appearing for the petitioners is directed to forward a copy of the legal representation

dated 20th November, 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.

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(Amrita Sinha, J.)