

ML 273
16.04.2024
d.p.

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

W.P.A 2237 of 2024

**Sushil Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Sanat Kumar Roy.
...For the Petitioner.**

**Mr. Sadhan Kumar Haldar,
Ms. Nilanjana Dasgupta.
...For the State.**

**Mr. Milan Kumar Maity.
...For the Respondent No.6.**

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

The petitioner alleges that the private respondent relying upon a building sanction plan granted in respect of the Plot No. 190 is raising construction over L.R. Plot No. 191/359 of which the petitioner is the owner. A Title Suit is pending consideration in between the parties before the Civil Court.

Objection filed against such unauthorized construction is alleged to be kept pending.

Learned advocate appearing for the private respondent denies the allegation of the petitioner.

As it appears that the petitioner has alleged that relying upon a sanctioned plan in respect of the Plot

No. 190 the construction is being allegedly made over Plot No. 191/359, accordingly, the instant writ petition is disposed of by directing the respondent no. 3 to cause a spot inspection to ascertain as to whether the construction is being made over Plot No. 190 or over Plot No. 191/359.

If it appears that the construction is being made in deviation of the plan sanctioned or without any sanctioned plan over L.R. Plot No. 191/359, then the Gram Panchayat shall take necessary steps to deal with the unauthorized construction in accordance with law.

An opportunity of hearing shall be granted to all the necessary parties prior to passing a final order in the matter. Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 24th January, 2024 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.)