

22.05.2024
Sl. No.1892
g.b.
Court No.24

WPA 2407 of 2023

Sujit Kumar Mal
-Vs-
The State of W. B. & Ors.

Mr. Biswaroop Biswas
Mr. Pratap Sanfui
Mr. Subhadeep Maitra
.....For the Petitioner
Mr. Sounak Bhattacharya
Mr. Sounak Mandal
Mr. Abhirup Halder
Mr. Anirban Saha Roy
.....For the Respondent No.7

The petitioner complains of unauthorized construction at the behest of the private respondents.

Complaint lodged against such unauthorized construction is reported to be kept pending.

The respondent no. 7 denies the allegation of the petitioner. It has been submitted that construction has been made strictly in accordance with the plan sanctioned.

As it appears that the representation of the petitioner 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.3, Dighir Par Gram Panchayat 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 dated 1st January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Amrita Sinha, J.)