

Item No.279(ML)
23.04.2024
S.H.

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

W.P.A.2681 of 2024

**Sanjay Maity & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Balaram Pandit
Mr. Krishna Deo Das
...For the Petitioners.**

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

**Mr. Nilanjan Pal
... for the respondent no. 7.**

The petitioners complain of illegal and unauthorized construction at the behest of the private respondent. Objection filed against such unauthorized construction is pending consideration.

Learned advocate representing the private respondent denies the allegation of the petitioner.

It has been submitted that the construction has been made in accordance with the plan sanctioned.

It has further been submitted that the petitioner is responsible for raising unauthorized construction by encroaching upon the private land of the private respondent.

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. 3 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 petitioner, 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.

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.

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 representation dated 22nd January, 2024 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)