

Item No.18

28.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5371 of 2022
Md. Idrish Ali

v.

The State of West Bengal & Ors.

Mr. Kingsuk Mondal
... for the petitioner.

Md. G.N. Imrohi
... for the respondent no. 6.

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

It has been alleged that objection filed against such unauthorized construction in February 24, 2022 has not been considered till date.

On a perusal of the objection annexed to the writ petition it appears that there is no proof of service of the same in the office of the Gram Panchayat.

Learned advocate representing the Gram Panchayat is not ready with proper instruction in the matter.

In view of the order that I propose to pass none of the non-appearing respondents will be prejudiced if the writ petition is disposed of in the following manner.

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.5 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 petitioners 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 serve a copy of the representation dated February 28, 2022 in the office of the Gram Panchayat.

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.)