

ML 1859
14.05.2024
srm

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

W.P.A. 7437 of 2022

**Asit Mondal & Ors.
-versus
The State of West Bengal & Ors.**

Mr. Debabrata Mondal

...For the Petitioners.

Mr. Gausul Alam,
Mr. Ranjit Rajak

...for the State.

Affidavit-of-service filed on behalf of the petitioners be retained with the records.

The petitioners complain of illegal and unauthorised construction at the behest of the private respondent. The objection filed before the Pradhan of the gram panchayat is alleged to be kept pending.

On a perusal of the documents annexed to the writ petition, it appears that there is no proof of service of the objection before the gram panchayat.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioners to make appropriate representation before the gram panchayat highlighting the illegalities of the construction that has been made.

In the event such representation is made, the same shall be considered by the gram panchayat in accordance with law after giving reasonable opportunity of hearing to all necessary parties at the earliest.

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.

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.)