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27.02.2024
d.p.

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

W.P.A 14179 of 2023

**Sahadeb Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Shovan Bandyopadhyay,
Mr. Debojyoti Ganguly,
Mr. Mizanur Rahaman.
...For the Petitioner.**

**Mr. K.M. Hossain,
Mr. Tapas Kumar Mandal.
...For the State.**

**Mr. Ayan Banerjee,
Ms. Debjani Sengupta,
Ms. Paulomi Ghosh.
...For the Respondent No.8.**

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

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent. It has been submitted that the construction has been made over the land which is recorded as water body. 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. It has been submitted that the private respondent is staying in the construction made at the subject premises for

the last 40 years. The construction in question was made by the original settlers prior to settling the land in favour of the private respondent. A civil suit in between the parties is pending consideration before the Learned Civil Judge.

Without entering into the allegation and counter allegation made by the parties, 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. 6, Pradhan, Paschim Gopinathpur Gram Panchayet 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, 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 petitioner, immediately thereafter.

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 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 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 petitioner is directed to forward a copy of the representation dated 15th May, 2023 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.)