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05.02.2024
d.p.

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

W.P.A 14303 of 2023

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

**Mr. Prabir Adhya,
Ms. Madhumanti Chakraborty.
...For the Petitioners.**

**Mr. Bikram Banerjee,
Mr. Arka Nandi,
Ms. Sagarika Goswami,
Ms. S. Raha.
...For the Respondent
Nos. 12 to 14.**

**Mr. Jayanta Samanta,
Mr. Kushal Biswas.
...For the State.**

**Mr. N. Roy,
Mr. Chandan Chakraborty.
...For the Zilla Parishad.**

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

Leave is granted to the learned advocate appearing for the petitioners to amend the description of the respondent nos. 12, 13 and 14 in the cause title of the writ petition. The name of the private respondent is Christ Church, Chapra Diocese of Barrackpur.

The report filed by the Inspector-in-Charge, Chapra Police Station dated 27th June, 2023 is taken on record.

The petitioners are aggrieved by the inaction on the part of the Gram Panchayat in taking steps for consideration of the objection filed by the petitioners in March 2023 alleging illegal and unauthorized construction at the behest of the private respondents i.e. Christ Church, Chapra Diocese of Barrackpur.

The petitioners allege that the private respondents are making construction over the public road.

Learned advocate appearing for the private respondents denies the allegation of the petitioners. It has been submitted that the petitioners are land grabbers and are trying to encroach upon the private land of the Christ Church, Chapra Diocese of Barrackpur which is in existence for a long time period.

Learned advocate appearing for the State respondents is not ready with proper instruction.

None represents the Gram Panchayat.

In the absence of the Gram Panchayat it will not be possible for the Court to decide the issue conclusively.

As it appears that the representation filed by the petitioners is pending consideration, accordingly, the present writ petition is disposed of by directing the respondent no. 11, Pradhan, Chapra no. 1 Gram Panchayat 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

petitioners, at the earliest, but positively within a period of four 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.

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.

The petitioners are directed to forward a copy of the representation dated 26th 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.)