

10. 23.04.2024
Court No.655
(Tanmoy)

(ASSIGNED)

WPA/14873/2023

**RANJIT HALDER AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.**

Ms. Anima Maiti, Adv.,
Ms. Dolan Samanta, Adv.

...for the petitioners.

Mr. Tapas Kr. Adhikari, Adv.

...for the State.

1. Affidavit of service filed in Court today be kept with the records.
2. Learned Counsels appearing on behalf of the petitioners are present.
3. State is represented by the learned Counsel.
4. Despite service being effected upon the rest of the respondents, none has come forward to appear and contest the present application.
5. It is stated by the petitioners that they became the owners of the property after demise of their predecessor-in-interest. After amicable settlement between all the heirs/legal representatives of the predecessor-in-interest of the parties, the bata plot being no. 4630/6232 was allotted to the present petitioners and their names have been duly recorded in the present record-of-rights.
6. It is further stated that the private respondents attempted to construct their *pucca* building over the

selfsame plot on the basis of Government Fund so allotted to them under the scheme of 'Pradhan Manti Abas Yoyona'. The petitioners raised objection before the appropriate Authority in respect of such construction allegedly being made by the private respondents but they did not pay any heed towards the request of the present writ petitioners. It is stated that the said construction allegedly was erected at the instance of the private respondents forcefully violating provision of the West Bengal Panchayat Act, 1973 and the allied Rules.

7. It is further submitted by the learned Counsel appearing on behalf of the petitioners that the said construction was made without obtaining any sanctioned plan from the Competent Authority and as such, they raised objection before the concerned Gram Panchayat on January 5, 2023 with a prayer for taking appropriate steps as per the provisions of the West Bengal Panchayat Act as it appears from Annexure "P-3" to the present writ application.
8. Despite such representation made before the concerned Gram Panchayat it has not taken any steps in respect of such alleged construction made by the private respondents. It is further submitted that the petitioners have also made objections to the other Authorities , but despite receiving the same, they are sitting tight over the matter beyond the reasonable period of time and by taking advantage of such inaction, the private respondents have already

completed their illegal and unauthorized construction for which the right of the petitioners is highly affected.

9. Accordingly, the respondents no. 5, the Pradhan Sreenagar Gram Panchayat is hereby directed to consider and dispose of the representation dated 05.01.2023 addressed to him by the petitioner within one month from the date of communication of this order strictly in accordance with law.
10. A spot inspection shall be conducted to ascertain the nature and extent of allegation as made by the petitioner. In the event the aforesaid respondent is of the considered opinion that there is substance in the allegation then necessary step shall be taken to deal with such allegation immediately as per provision of relevant Act and Rule.
11. The opposite parties no. 5 is further directed that the opportunity of being heard should be given to all the necessary parties before passing any order in connection with the representation filed by the petitioners.
12. The aforesaid respondent shall restrict the consideration of the representation of the petitioner with regard to alleged construction only on the plot in question and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.
13. The petitioner is directed to forward a copy of the representation dated 05.01.2023 to the aforesaid respondents at the time of communicating the order of the Court.

14.I have not entered into the merits of the case and have not gone into the veracity or otherwise allegations made by the writ petitioner against the Prodhan.

15.The Prodhan shall take decision on the representation without being influenced by any observation in this order.

16.Accordingly, WPA/14873/2023 stands disposed of.

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

(Prasenjit Biswas, J.)