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27.02.2024
d.p.

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

W.P.A 14960 of 2023

**Kashiram Das
-versus
The State of West Bengal & Ors.**

**Mr. Dyutiman Banerjee,
Mr. Arnab Sinha,
Mr. Amartya Basu,
Mr. Argha Banerjee,
Mr. Vishal Mallick.
...For the Petitioner.**

**Mr. Tapas Ballav Mandal.
...For the State.**

**Mr. Satadru Lahiri,
Mr. S. Azam.
...For the Respondent No.6.**

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

Panchayat is not represented.

The petitioner complains that the private respondent is making construction over plot being J.L. No.41, Dag No. 206, Khatian No. 1078 without a valid sanction plan.

Objection lodged against such unauthorized construction is pending consideration till date.

Learned advocate appearing for the respondent no. 6 submits, upon instructions that, the construction is being made by the respondent no. 6 over Dag No. 224 and not over Dag No. 206 as alleged by the petitioner. The construction is being made in accordance with the plan sanctioned by the Gram Panchayat.

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

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. 2, Mongra-II Gram Panchayat 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 received by the Panchayat on 16th 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.)