

05-02-2024
ct no. 24
Sl. 36
Sayandeep

WPA 17058 of 2023

Madan Mohan Das
-Versus-
The State of West Bengal & Ors.

Mr. Gautam Banerjee
Ms. Chumki Das Bairagya
...for the petitioners

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
..... for the State

The petitioner complains of non consideration of the representation dated 29th May, 2023 by the Gram Panchayat.

None represents the private respondents or the Gram Panchayat.

The petitioner alleges that the private respondents have dug up the public road in front of the petitioner's premises. The petitioner seeks permission for construction of the road provided permission is granted by the Gram Panchayat.

In the absence of the private respondents and the Gram Panchayat, it is not possible for the Court to decide the issue conclusively.

In view of the order that I propose to pass, none of the parties will be prejudiced if the writ petition is disposed of in the following manner.

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. 4, Pradhan, Purba Ramnagar 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 12 weeks 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.

The petitioner is directed to forward a copy of the representation dated 29.05.2023 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.)