

05-02-2024
ct no. 24
Sl. 37
Sayandeep

WPA 17314 of 2023

Sk. Sahabuddin
-Versus-
The State of West Bengal & Ors.

Mr. Omar Faruk Gazi
Ms. Bidisha Das
Ms. Sushmita Das
...for the petitioner

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

None represents the private respondents or the
Gram Panchayat.

The petitioner complains of illegal and
unauthorized construction at the behest of the private
respondents over portions of land which are recorded
as Bastu, Pukur and Doba. Objection filed against
such unauthorized construction is pending
consideration at the end of the Gram Panchayat.

In view of the order that I propose to pass, none
of the non appearing respondents 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, Polerhat 2 no. 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 8th June, 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.)