

18
09.04.2024
d.p.

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

W.P.A. 20342 of 2023

**Tushar Kumar Biswas
-versus
The State of West Bengal & Ors.**

**Mr. Habibur Rahman,
Mr. Soumen Chatterjee,
Ms. Jasika Alam,
Mr. Archishman Singh.
...For the Petitioner.**

**Ms. Sima Adhikari
Ms. Kakali Naskar
... for the State.**

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

The unserved envelopes of the respondent nos. 8 and 9 are also taken on record.

None appears on behalf of the private respondents.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondents. The complaint lodged against such unauthorized construction is allegedly kept pending.

The Block Development Officer has forwarded one communication from the Nirman Sahayak of the concerned Gram Panchayat signed on 1st September,

2023 wherefrom it appears that the construction in question has been made without taking any approval or without obtaining any sanction plan from the Gram Panchayat.

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.6 being the Pradhan Simulpur 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 within a period of three months from the date of 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.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

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 14th 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.)