

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 20753 of 2023

Sri Surajit Khara @ Khanra & Anr.
-versus
The State of West Bengal & Ors.

Mr. Debasish Chattopadhyay
Mr. Tirthankar Basu ...for the petitioners

Mr. Sabyasachi Chatterjee
Mr. Subhrajit Saha ... for the private respondents

The petitioners complain of non consideration of the legal representation dated 26.07.2023 alleging illegal and unauthorized construction at the behest of the private respondents.

The private respondents deny the allegation of unauthorized construction.

The gram panchayat is not represented.

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 petitioners 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, Chakpara Anandnagar Gram Panchayat will consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioners 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 petitioners 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.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

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 petitioners.

The petitioners are directed to forward a copy of the representations dated 26th July, 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.)