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05.03.2024
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In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 24014 of 2023

Gouri Das
Vs.
The State of West Bengal & Ors.

Mr. Kushal Chatterjee,
Mr. Debrup Choudhury,
Mr. Prasayan Mukherjee.
...for the petitioner.

Mr. Avirup Mondal,
Ms. Anima Das Chakraborty.
...for the State.

Mr. Sauradipta Banerjee,
Ms. Fatima Hassan.
...for the respondent nos.5&6.

The petitioner complains that the private respondents are raising illegal and unauthorised construction without a sanctioned plan. Objection filed against such unauthorised construction is pending consideration at the end of the Gram Panchayat.

Learned advocate representing the private respondents denies the allegation of the petitioner.

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 being the Pradhan, Shyampur 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.

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 petitioner.

The petitioner is directed to forward a copy of the representation dated 16th September, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Documents containing communication made by the Pradhan of the Gram Panchayat to the Block Development Officer, Shyampur-I Development Block mentioning that construction has been made without obtaining any sanctioned plan be retained with the records.

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.)