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19.02.2024
d.p.

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

W.P.A 24027 of 2023

**Murari Mohan Pramanik
-versus
The State of West Bengal & Ors.**

**Mr. Sakya Maity.
...For the Petitioner.**

**Mr. Jahar Datta,
Mr. S. Chattopadhyay.
...For the State.**

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

None represents either the Panchayat or the private respondent.

The petitioner alleges that the private respondent raised construction without obtaining any sanction plan.

Objection was filed before the Gram Panchayat but the same is yet to be considered.

The petitioner relies upon the report filed by the Revenue Inspector and the Block Land and Land Reforms Officer, Mahishadal, Purba Medinipur signed on 30th May, 2023 in support of the submission that

construction was made without obtaining any sanction plan.

The petitioner prays for consideration of the objection filed before the Gram Panchayat.

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. 9, Kismat Naikundi 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 three months 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.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 7th June, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Report filed by the Officer-in-Charge, Mahishadal Police Station signed on 9th October, 2023 is taken on record.

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.)