

05-03-2024
Item No.35
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.24853 of 2023
Sushanta Mondal & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Gorachand Samanta
Mr. Loknath Pal ...for the petitioners

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

Complaint dated August 29, 2023 (Annexure P2, p.39) lodged by the petitioners against unauthorised construction made at the instance of the private respondent is pending consideration.

In view of the order that I propose to pass, none of the non-appearing respondents would be prejudiced if the writ petition is disposed of in the following manner.

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.7 being the Pradhan, Bodra Gram Panchayat, P.O. Bodra, under the Bhangar police station, district South 24 Parganas to consider and dispose of the petitioners' representation dated August 29, 2023 strictly in accordance with law by giving a reasoned decision, 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 reasoned decision once passed shall be communicated to all the necessary parties, including the petitioners forthwith.

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

In the event the said respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid of the sanctioned plan, then necessary steps shall be taken dealing with such unauthorized construction, in accordance with law.

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

It is made clear that this court has not entered into the merits of the petitioners' claim, and that all points are left open to be decided by the said respondent at the time of consideration of the petitioners' representation.

The petitioners are directed to forward a copy of the representation dated August 29, 2023 to the said respondent at the time of communication of the order of the court.

Report filed by the Inspector-in-charge, Bhangore police station dated November 17, 2023 be retained with the records.

The writ petition stands disposed of. No order as to costs.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]