

ML 238
09.04.2024
d.p.

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

W.P.A 26615 of 2023

**Lakshmikanta Baidya & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Pradip Kumar Mondal,
Mr. Arka Mondal.
...For the Petitioners.**

**Mr. Samrat Paul.
...For the State.**

None appears on behalf of the private respondents and the Gram Panchayat.

The petitioners pray for consideration of the representation dated 27th October, 2023 alleging illegal and unauthorized construction at the behest of the private respondents.

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. 11, the members of the Kanpur-Dhanberia Gram Panchayat to 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, 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 petitioners, 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.

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

It is made clear that this Court has not entered into the merits of the claim made by the petitioners 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 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 petitioners is directed to forward a copy of the representation dated

27th October, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Report filed by the Inspector-in-Charge, Diamond Harbour Police Station signed on 6th December, 2023 is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)