

11.03.2024

Sl. 47

Ct.No. 24

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27608 of 2023

Injamul Haque Sardar

Vs.

The State of West Bengal and ors.

Mr. Bidyut Kr. Haldar

Mr. Indranil Halder

...for the petitioner

Mr. Amitava Pain

Mr. S. Datta

...for the private respondents

Mr. Amitava Chowdhury

Mr. Samrat Paul

...for the State

Affidavit of service filed by the petitioner is taken on record.

Report filed by the Officer-in-Charge, Kalitala Ashuti Police Station be retained with the records.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondents. Objection filed against such unauthorized construction is pending consideration till date.

Learned advocate representing the private respondents denies the allegation of unauthorized construction. It has been submitted that a civil suit is pending consideration in between the parties before the learned civil court. Construction is not carried out at the instance of the private respondents.

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. 2, Pradhan, Chatta 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.

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.

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 27th November, 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.)