

26
12.03.2024
d.p.

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

WPA 28026 of 2023

**Bhaben Das & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Pradip Kumar Kundu.
...For the Petitioners.**

**Mr. Sukanta Das.
...For the Respondent No.8.**

**Mr. Jahar Dutta,
Mr. Monoj Kumar Mondal.
...For the State.**

**Mr. Ratul Biswas,
Mr. Kaushik Chowdhury,
Ms. Soumoyadipa Kanu.
...For the Respondent
Nos. 9, 10 and 11.**

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

The petitioners pray for consideration of the representation dated 28th November, 2023 alleging illegal and unauthorized construction at the behest of the private respondents.

Learned advocate appearing for the private respondents denies the allegation of the petitioners. It has been submitted that the construction is being made in accordance with the plan sanctioned.

The petitioners complain that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

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, Andharmanik Gram Panchayet 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.

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 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 28th November, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Report filed by the Bishnupur Police Station dated 10th December, 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.)