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13.03.2024
NB/AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 28693 of 2023

Sk. Ahid Ali
Vs.
The State of West Bengal & Ors.

Mr. Abhilash Chatterjee,
Mr. Saikat Dey.
...for the petitioner.

Ms. Kalpita Paul.
...for the State.

Ms. Mekhla Sinha,
Ms. Malabika Roy Dey.
...for the Howrah Zilla Parishad.

Mr. Animesh Paul.
...for the private respondent.

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

The petitioner complains of illegal and unauthorised
construction at the behest of the private respondent.
Objection filed against such unauthorised construction is
pending consideration.

Learned advocate representing the private respondent
denies the allegation of the petitioner. It has been submitted
that the construction is an old one and minor repairing work
has been made. No new construction is being done at
present.

It has been submitted that the present writ petition has been filed as a counterblast to the complaint filed by the private respondent against the unauthorised construction made at the behest of the petitioner herein.

None represents the Panchayat.

In the absence of the Panchayat, the issue cannot be decided conclusively.

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.5 being the Beldubi Gram Panchayat 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 within a period of three months from the date of 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.

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

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 petitioner is directed to forward a copy of the representation dated 8th December, 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.)