

04.10.2024
Court No.2
Sl. No.17
KB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 799 of 2024

**Bhanu Rani Barman @ Maya Rani Barman
-versus
The State of West Bengal & Ors.**

**Mr. Narendra Nath Das
Mr. Madhab Kumar Das
Mr. Jagesh Ch. Roy
...For the Petitioner.**

**Mr. Pretom Das
Mr. Bikash Singha
... For State.**

**Mr. Sandip Guha Roy
Mr. Abhishek Sen
... For the Respondent
Nos. 5 and 6.**

**Mr. Kunaljit Bhattacharya
Mr. Haider Ali
Mr. Satyam Sarkar
... For the Respondent
Nos. 7 to 9.**

1. Leave granted to the learned advocate appearing on behalf of the Panchayet to file affidavit-in-opposition in the department in course of this day.
2. The petitioner complains of illegal and unauthorized construction at the behest of the private respondents.
3. Learned advocate representing the private respondents submits that the petitioner, instead of proceeding with the execution proceeding, has

approached the writ court with mala fide intention to throw them out of the construction.

4. In the instant case, the Court is only considering the issue of unauthorized construction. As there is allegation of unauthorized construction pending before the Panchayet, accordingly, the instant writ petition is disposed of by directing the Prodhan of the Gram Panchayet to consider the issue of unauthorized construction strictly in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and dispose of the same by passing a reasoned order at the earliest but positively within a period of twelve weeks from the date of communication of this order.
5. A spot inspection upon prior notice to the parties shall be conducted to ascertain the nature and extent of unauthorized construction.
6. In the event the respondent authority 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.
7. The authority shall restrict consideration of the issue 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.

8. 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 authority at the time of consideration of the representation of the petitioner.
9. Affidavit-in-reply filed by the petitioner to the opposition filed by the Gram Panchayet is taken on record.
10. The writ petition stands disposed of.
11. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)