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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A 2229 of 2024

**Sri Parimal Chandra Das
-versus
The State of West Bengal & Ors.**

**Ms. Bedashruti Bose,
Mr. Subham Chanda,
Ms. Sarani Brahama Roy.
...For the Petitioner.**

**Mr. Subir Kumar Saha, Ld. AGP,
Mr. Pretom Das,
Mr. Sandip Guha Roy.
...For the State.**

1. The petitioner alleges illegal and unauthorized construction by the private respondent in L.R. Plot No. 878, Mouza-Dhuluabari, Khatian No.1389, J.L. No. 239 within the jurisdiction of Kotwali Police Station, District- Darjeeling.

2. 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.

3. The writ petition is, accordingly, disposed of by directing the respondent Dhuluabari Gram Panchayet to consider and dispose of the representation made by the petitioner, strictly in accordance with law, after giving reasonable 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.

4. A spot inspection shall be conducted by the panchayet upon notice to all the parties to ascertain the nature and extent of the unauthorized construction as alleged.

5. 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.

6. 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.

7. 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.

8. The petitioner is directed to forward a copy of the representation to the aforesaid respondent at the time of communicating the order of the Court.

9. The writ petition stands disposed of.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)