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05.12.2023
Court No. 24
AGM

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

W.P.A 21002 of 2023

**Madhumita Bandyopadhyay
-versus
The State of West Bengal & Ors.**

**Mr. Tanmoy Chowdhury
Ms. Ritoprita Ghosh
...For the Petitioner.**

**Mr. Debasis Mitra
Mr. Arka Mahalanobis
Ms. Priya Chakraborty
...For the respondent no. 9.**

**Mr. Mihir Kumar Das
Mr. Swadhin Pan
... For the respondent no. 8.**

**Mr. Debabrata Banerjee
Mr. Supriya Majumdar
... For the State.**

The petitioner alleges illegal and unauthorised construction at the behest of the private respondents over the private land of the petitioner.

Objection filed against such unauthorised construction is pending consideration till date.

Learned advocate representing the private respondent nos. 8 and 9 submits, upon instruction that, the land in question was partitioned long ago. Construction has been made in accordance with the plan sanctioned.

None represents the Gram Panchayat.

Affidavit-of-service filed in Court today be kept with the records.

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, the Raghubati 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 representations dated 3rd July, 2023 and 4th August, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The report filed by the police be retained with the records.

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.)