

05.03.2021
SL No. 29
Court No.24
(P.M.)

WPA 481 of 2021
Rasu Santra
Vs.
The State of West Bengal & Ors.

Mr. Animesh Paul,
Ms. Fatima Hassan
... for the petitioner

Mr. Tanmoy Mukherhjee,
Mr. Souvik Das
... for the respondent No. 15

Mr. S.P. Shaw
... for the intervenor

Ms. Manjuli Chowdhury,
Ms. Mekhla Sinha
..... for respondent No. 4 & 5

Mr. Asish Kr. Guha
Mr. Naren Ghosh Dastidar
.... For the State

The Petitioner alleges illegal and unauthorised construction over a water body at R.S. Dag No. 5172, Khatian No. 632, L.R. Dag No. 5275, J.L. No. 2 Mouza – Jagadishpur, Village Majherhat, P.S. Liluah, Howrah 711114.

The learned advocate representing the private respondent denies that any construction is being made in the said premises. It has been submitted that a civil Suit being Title Suit No. 319 of 1997 in respect of the said premises is pending adjudication before the learned Civil Judge, Senior Division, 2nd Court at Howrah.

The petitioner through his learned advocate has made a representation before the respondents authority including the District Engineer, Howrah Zilla Parishad by letter dated 22nd December, 2020. The petitioner alleges that the same has not been considered by the authority till date.

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, District Engineer, Howrah Zilla Parishad 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, at the earliest, but positively within a period of six 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.

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 unauthorised 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 22nd December, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 481 of 2021 stands disposed of.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)