

04.03.2021
SL No. 121
Court No.24
(P.M.)

WPA 700 of 2021
Dilip Seth.
Vs.
The State of West Bengal & Ors.

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

Mr. Sanjib Seth
... for the private respondent

Mr. Sandeep Prasad Shaw
... for the respondent No. 4

Ms. Manjuli Chowdhury,
Ms. Mekhla Sinha
..... for Howrah Zilla Parishad

Mr. Santanu Kr. Mitra,
Ms. Rama Halder
.... For the State

The Petitioner alleges illegal and unauthorised consideration being carried on by the private respondent in R.S. Dag No. 1993, L.R. Dag No. 2124, L.R. Khatian No. 4551 (Biswaspara) J.L. No. 2, Mouza Jagadishpur, Police Station Liluah, District – Howrah - 711115 without obtaining any sanction plan.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

The private respondent denies the allegation of illegal construction. It has been submitted that the construction was carried on strictly in accordance with the plan sanction by the concerned authority.

The learned advocate representing the Prodhan of Jagadishpur Gram Panchayet submits that the petitioner as well as the private respondent made construction without obtaining the necessary sanction.

The learned advocate appearing on behalf of the State respondents submits that an enquiry was conducted and it has been found that the private respondent constructed the building without obtaining necessary sanction plan from the competent authority.

The instruction given by the Officer-in-Charge of Jagadishpur Police station to the learned advocate representing the State respondents is retained 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. 4, 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, within a period of twelve weeks 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 28th December, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 700 of 2021 stands disposed of.

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

(Amrita Sinha, J.)