

Court No. 24

12.04.2021

(Item No. 25)

(AB)

W.P.A 780 of 2020

Adhir Chandra Jana & Ors.

vs

The State of West Bengal & Ors.

Mr. Purnasish Bhunia

..... for the petitioners

None appears on behalf of the respondents despite service.

The petitioners allege unauthorized construction over several plots of land by the private respondents, without any sanction plan.

The petitioners complain that the objection filed by them against such unauthorized construction has not been considered by the respondent authorities till date.

As it appears that the representation of the petitioners objecting to the 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 Egra Municipality being the respondent No. 4 herein to consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, at the earliest, but positively 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 petitioners, 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 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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representation dated 23rd December, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)