

04.03.2021
SL No. 128
Court No.24
(P.M.)

WPA 2872 of 2021
Sourav Kumar Boral
Vs.
The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee,
Mr. Debashis Banerjee,
Mr. Surpreem Naskar
... for the petitioner

Ms. Manjuli Chowdhury,
Ms. Mekhla Sinha
..... for respondent Nos. 2 and 3

Mr. Tapan Datta Gupta,
Mr. Parvej Alam
.... For the respondent No. 8

Mr. Tapas Kumar Adhikari
.. for the State

The Petitioner alleges illegal and unauthorised construction being carried on at Dag No. 788, L.R. Dag No. 857, R.S. Khatian No. 1043, L.R. Khatian No. 100, Mouza Jhorehat, J.L. No. 30, P.S. Sankrail, District Howrah.

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

The learned advocate appearing on behalf of the private respondents submits that construction is being made thereon, strictly on the basis of plan sanctioned by the Howrah Zilla Parishad.

The learned advocate appearing on behalf of the State respondent submits, upon instruction, that the

construction is being made in accordance with the plan sanctioned.

Learned advocate appearing on behalf of the Howrah Zilla Parishad however, does not have any instruction in this matter.

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. 3 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 21st December, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 2872 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.)