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19.03.2021.
d.p.

**W.P.A 3189 of 2021
(Via Video Conference)**

**Sahid Hoda @ Sahid Hoda Ansari
-versus
The State of West Bengal & Ors.**

**Mr. Arup Krishna Das.
...For the Petitioner.**

**Mr. Santanu Kumar Mitra,
Mr. Mirza Kamruddin.
...For the State.**

**Mr. Sounak Bhattacharya.
...For the Municipality.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges unauthorized construction without a sanction plan and without leaving mandatory side open spaces by the private respondent.

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 for the Asansol Municipal Corporation submits, upon instructions, that no plan appears to have been sanctioned in favour of the private respondent for making construction.

None appears on behalf of the private respondent.

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, being the Commissioner, Asansol Municipal Corporation to consider and dispose of the representation made by the petitioner strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.

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 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.

The petitioner is directed to forward a copy of the representation dated 19th September, 2020 to the

aforesaid respondent at the time of communicating the order of the Court.

WPA 3189 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.)