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08.03.2021.
d.p.

**W.P.A. 4892 of 2021
(Via Video Conference)**

**Tushar Kanti Roy & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Siva Prasad Ghosh.
.... For the Petitioners.**

**Mr. Dipanjan Datta,
Mr. Atanu Basu.
...For the Respondent No.6.**

**Mr. Ashis Guha,
Mr. Naren Ghosh Dastidar.
...For the State.**

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

The petitioners allege illegal and unauthorized construction by the private respondent in the northern side of the Holding No.170/1, New Chord Road, Ward No.-20 of Bhatpara Municipality without leaving the mandatory side open spaces.

The petitioners claim that the representations made by them before the Bhatpara Municipality have not been answered till date.

The learned advocate appearing for the private respondent submits, upon instructions, that construction was made by them in their plot of land strictly in accordance with the plan sanctioned for construction under the Pradhan Mantri Awas Yojana.

None appears on behalf of the Bhatpara Municipality in spite of service.

As it appears that the representation of the petitioners 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, Bhatpara Municipality 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 four 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 petitioners, immediately thereafter.

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 respondent No.4 shall depute a competent person to conduct an inspection at the site and come to a definite conclusion as to whether the construction is being made by the private respondent in accordance with the plan sanctioned by the Municipality for making construction under the Pradhan Mantri Awas Yojana. The inspection shall be conducted upon giving prior notice to both the parties.

In the event the said officer is of the opinion that there has been any unauthorized construction beyond the sanction plan, then necessary steps shall be taken to deal with the same, strictly in accordance with law.

The inspection shall be conducted at the earliest but positively within 21st May, 2021.

WPA 4892 of 2021 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)