

04
12.04.2021.
d.p.

**W.P.A 6137 of 2021
(Via Video Conference)**

**Asok Kumar Das
-versus
The State of West Bengal & Ors.**

**Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
...For the Petitioner.**

**Mr. Wasim Ahmed,
Mr. Tauseef Ahmed Khan.
...For the State.**

**Mr. Tapodip Gupta.
...For the Respondent No.7.**

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

The petitioner complains that the private respondent is making unauthorized construction without leaving the mandatory side open spaces.

The petitioner through his learned advocate filed a representation before the Jangipur Municipality and complains that the same has not been considered by the respondent authorities till date.

The learned advocate appearing for the private respondent No.7 denies the allegation of the petitioner. It has been submitted, upon instruction, that the construction has been made strictly in accordance with the permission granted by the Municipality.

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 nos. 3, 4 and 5, the Jangipur Municipality, its Board of Administrators and its Executive Engineer respectively 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 February, 2021 to the

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

WPA 6137 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.)