

Court No. 24

19.03.2021

(Item No. 33)

(AB)

W.P.A 6235 of 2021

Smt. Indira Samanta

vs

The State of West Bengal & Ors.

Mr. Salil Kumar Sarkar

..... for the petitioner

Mr. Dwarikanath Mukherjee

Mr. Janardan Mandal

..... for the State

Affidavit of service filed in Court is taken on record.

The petitioner complains illegal and unauthorized construction made by the private respondents over the Dag No. 2503, Mouza – Mrigala, J.L. No. 102, Police Station – Dankuni by making construction without leaving the mandatory side open spaces.

The Dankuni Municipality upon receipt of complaint from the petitioner requested the private respondents to appear for a hearing in the office of the Executive Officer on 5th February, 2021. The petitioner submits that on the said date the petitioner was also present at the hearing and the officers of the Municipality directed the private respondents to restrain from making any further construction over the said plot of land. The petitioner submits that in spite of the direction to stop construction, the private respondents are merrily carrying on construction in an unauthorized manner.

The petitioner made several representations before the Dankuni Municipality but none of them has been considered till date.

None appear on behalf of the respondents despite service.

As it appears that the representations 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 Dankuni Municipality being the respondent No. 2 herein to consider and dispose of the representations made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, 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 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 respondents at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 23.02.2021 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.)